THE LATE

PROCEEDINGS

AND

VOTES

OF THE

PARLIAMENT of *SCOTLAND*;

Contained in an

ADDRESS

Delivered to the

KING,

Signed by the Plurality of the Members thereof,

Stated and Vindicated.

Scilicet res ipsa aspera est, at vos non timetis; sed inertia & mollitia animi, alius alium expectantes cunctamini; videlicet diis immortalibus confisi, qui hanc rempubl. in maximis sæpe periculis servavere. At non votis neq; supplicijs muliebribus auxilia deorum parantur. Vigilando, agendo, bene consulendo, prosperè omnia cedunt: ubi socordiæ tete atq; ignaviæ tradidteris, nequicquam deos implores; irati infestiq; sunt. Cato *apud* Salust.

GLASGOW,
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THE LATE
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OF THE
PARLIAMENT
OF
SCOTLAND, &c.

TO remain ſilent under the Aſperſions which ſome buſy, but either weak or ill Men, are endeavouring to faſten, not only upon the Proceedings, but upon divers of the moſt Honourable and Loyal Members of Parliament, were to be no leſs treacherous to his Majeſty, than careleſs of the Reputation of that whole Illuſtrious Body; as well as of the Integrity of thoſe Perſons who are ſaid to have ſo much influenced the Tranſactions of it; and whoſe chief Crime (with thoſe that Malign and Traduce them) is their having expreſſed ſo much Affection and Zeal for His Majeſty's Perſon and Service: And as the repreſenting their Actions in a true Light, is all that is needful, both to juſtify and commend them; ſo whoſoever will be at the pains to examine them, will find them adjuſted to all the Rules of Law, Religion, and Policy. And as it is not to be doubted, but that whenſoever the Parliament Aſſembles,

they will both vindicate their Proceedings, in Customary and Legal Methods, and exert that Authority which is essential to them, over those of their own Members, by whom they have been slandered; so all that is now to be endeavoured in their behalf, is to vouchsafe unto the *English* Nation (to whom they have been misrepresented) such a brief Account of their Transactions, with the Occasions, Reasons, and Motives of them; as may not only manifest the Wisdom and Loyalty of that Parliament, but demonstrate beyond all contradiction, that the only design they have been pursuing, was to preserve and maintain His Majesties Honour, secure and establish him an Interest in the Love and Hearts of his People, and make His Throne firm and durable.

It is too evident, either to be denied or Apologized for, that all the Laws, Priviledges, and Rights of the Kingdom of *Scotland*, have under the Late Reigns, been not only Usurped upon and Invaded, but Subverted and Overthrown. For by gradual Inlargements of the Prerogative, beyond what was allowed by the Rules of the Constitution, and the Statutes of the Realm, the legal and regular Monarchy of the Nation, was swelled into an Arbitrary and Despotick Power. So that all the Franchises and Rights, which by Original Contracts and Subsequent Laws had been reserved unto the People, were either overthrown, or enjoyed precariously. And we are compelled to say, that the Coalition of *Scotland* with *England*, under one Monarch, without a Union between the Two Nations into one Legislative Body and Civil Government, hath given great advantages to our Late Princes of treating us with a Rigour and Loftiness, that our Ancestors were not accustomed unto: And though a small Acquaintance with the Politicks might have instructed the *English*, that whatsoever received a first Impression amongst us, would sooner or later obtain a second Edition amongst them; yet they seem'd either not to have foreseen, or at least not to have resented it, until the Original of King *James*'s Absolute Power in *Scotland* (which all Men were bound to obey without

reserve) was copied over in *England*, in his Claim of Soveraiguty, in dispensing with those Laws, that were the Fence about their Safety. It was from the unconcernedness, which the *English* have too often testified; not to say the countenance they have given, in Relation to the Usurpation of our late Kings over the Laws and Liberties of *Scotland*, that those Princes have despised the Applications made unto them, as well by Parliaments, as by the Nobility and Gentry, for redressing, their Grievances; and that the Nation remained so long discouraged from relieving it self in those Methods that were left it. And as the *Scots* did for many Years sadly feel and experience, into what Excess their Kings grew up in Usurping upon their Laws and Liberties; from a hope and confidence of being justified and supported in those Invasions by the Strength and Treasure of *England*: So the *English* cannot be altogether insensible, how *Charles* the Second not only confronted their Bill of Exclusion in *England*, with an Act in *Scotland* for the Hereditary Succession of his Brother, but what large Breaches he was encouraged to make upon their Rights and Priviledges, after his having obtained an Assistance of 22000 Men, to be enacted and granted unto him by Law in *Scotland*, and those to be used in what places and upon what occasions he should please to imploy them. Nor are we able sufficiently to express our Obligations to His Present Majesty, who being extremly sensible, that our remaining disunited in our Governments, and two distinct Monarchies, though link'd together under one Monarch, hath been one of the great Occasions and chief Sources of our common Miseries and Oppressions; and being desirous both to redeem us from the illegal Sufferings we have already felt, and to obviate those which might break in upon us under future Reigns, hath therefore invited the Nations to such an Union of strength, Councils and Legislative Authority, as may render them a Defence to each other; and not Instruments and Tools of enslaving one another, and a mutual Prey. Which as all wise and good Men do earnestly long for, so the common Interest of the two Nations obliges them speedily to endeavour.

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But we are forced to add, that beſides the Encouragement which our late Princes have aſſumed unto themſelves, of Uſurping upon the Rights and Liberties of *Scotland*, from an expectation of being ſupported in it by the Power and Wealth of *England*; There is another Cauſe, unto which much of their Invaſion upon the *Scots* Priviledges is to be aſcribed, and unto which we are forced to reſolve many of our Miſeries, as the Spring whence they have flowed. For upon the Succeſſion of our Kings to the Crown of *England*, and their fixing their Royal Abode and Regal Seat in that Kingdom; they are thereupon fallen into a Method of deriving their knowledg of *Scotiſh* Laws and Cuſtoms, of being informed of the Grievances of that Nation, and of receiving Impreſſions of Perſons and Things from one or two Miniſters choſen to reſide about them, and in order thereunto advanced into Places of Honour and Truſt; and who too often have been found to want either the Honeſty, Wiſdom, or Courage requiſite in thoſe upon whom ſo much comes to be devolved. Surely the World hath had ſufficient Evidence in the Miniſtry of the late Duke *Lauderdale*, what Miſchiefs a Perſon in his Poſt about the King may be inſtrumental in bringing upon the Kingdom of *Scotland*: For tho he was endowed with too much Wit and Courage, to be either hector'd or wheedl'd, to be any Man's Tool and Property; yet through lack of Probity on the one hand, and exceſs of Ambition on the other, he was eaſily prevail'd upon to become an Inſtrument of ruining and enſlaving his Country. What may *Scotland* then dread, if a Perſon ſhould be honoured with the Character and Truſt of Secretary for that Kingdom, in whom all the Qualifications for ſo conſiderable a Station, were the ſighing decently, the entertaining one with a grave Nod, or if you pleaſe, a Grimace inſtead of a ſold Reaſon; the making thoſe whom he judgeth Court-Favourites, his unerring Oracles; and learning the Cuſtoms, Rights and Laws of his Nation, from them that never did, nor were obliged to know them; the recommending thoſe to be Privy-Councellors to the King, who withſtood his being ſo; the favouring

vouring thoſe in obtaining the Office of proſecuting Nocents, who ſtand accuſed for endeavouring to ſubborn Witneſſes for deſtroying the Innocent; and, as an Addition to all thoſe Accompliſhments, ſhould be ſo ſwallowed up in the immoderate Love of the World, that inſtead of having his Thoughts exerciſed about the Service, Grandeur, and Safety of his Maſter, ſhould be wholly imploy'd how to ingroſs the conſiderable Places of the Kingdom, for inriching his Family. Into what Inconveniences may the beſt Prince be eaſily drawn, if his Secretary be unable to adviſe him what he may legally do, and what he may not? With what Facility is a weak and eaſy Perſon in that Poſt, miſled by an Engliſh Miniſter of State, who has a mind to be revenged upon *Scotland* for rejecting Epiſcopacy? How may a Crafty and Treacherous Courtier, that hath a purpoſe to play an after-game for the late King, influence a Scots Secretary, unskilled in the Politicks, to imbroil his preſent Majeſty with his People in *Scotland*; and all for this, that the Abdicated Monarch may have a new Throw for his Crowns again? Suppoſe but one Perſon in Office about the King for the Affairs of *Scotland*, and him to be extreamly timerous, What fatal Councils, under the fear of the Whip, may he be prevail'd upon to ſuggeſt and give? Hence it is evident what Diſadvantages thoſe of that Nation lie under, of having both their Perſons and Actions miſrepreſented, and their Rights and Liberties undermined and invaded; and that as well by reaſon of the King's reſiding conſtantly at ſo great a diſtance from them, as becauſe of his having no more Counſellors uſually about him, in reference to their Affairs, than who (as a French King was pleaſed to expreſs it) may all ride upon one Horſe.

Now as it was the Oppreſſion and Slavery under which we had been brought, that rendred His Majeſties Undertaking in coming into theſe Kingdoms with an armed Force, in order to redeem them, both honourable and juſt: So it was the hope of being delivered by him from Miſery and Bondage, that encouraged us firſt to invite, and then to co-operate with him in the Proſecution and Accompliſhment of his glorious Deſign. It was the Invaſions upon our Laws that we complained of, and from

which we desired and endeavoured to be relieved; nor had we any Quarrel with the late King's Counsellors, save as they were Advisers unto, and Instruments of overthrowing them. So that if what the Parliament of *Scotland* desires to have redressed, be not something wherein their Laws have been invaded, and their Rights violated, they are to blame for insisting upon it as a Claim of Right; and should rather crave it as an Act of Grace, if they find the want of it prejudicial to the Nation. But if what is required do either appear to have been wrested from the Nation, or that through their not obtaining it, they will be upon all occasions obnoxious to be oppressed and inthralled, we may then assure our selves, that His Majesty is too just, as well as good, to deny them. For as His Majesty doth generously acknowledg in his Declaration emitted at the *Hague*, for the restoring of the Laws and Liberties of the Kingdom of *Scotland*, "That they "who are concerned in the Laws, Liberties and Customs "established by Lawful Authority in a Nation, are in- "dispensibly bound to endeavour to preserve and main- "tain the said Laws, Liberties, and Customs; so he doth "in the same Declaration, sacredly promise, that upon "being prosper'd in what he was then undertaking, he "will not only free that Kingdom from all hazard of "Popery and Arbitrary Power for the future, and de- "liver it from what at that time did expose it to both, "but settle it by Parliament upon such a solid Basis, as to "its Religious and Civil Concers, as should most effectu- "ally redress all the Grievances under which it had "groaned. And therefore as we are not to imagine, that a Parliament, which in the whole course of its Proceedings hath testified so much Love, Loyalty and Zeal for His Majesty, both in advancing Him unto, and maintaining Him in the Throne, will abridg and lessen any of the just and legal Prerogatives of His Crown; or challenge any Priviledg, Right or Immunity, which their Ancestors have not been possessed of under the best and most Glorious as well as Ancient Reigns; so it were unpardonable to think, that a Prince of so much Wisdom, Goodness, Honour, Justice and Truth, as His Majesty is known to be, should either insist upon the detaining from His People,

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what ſome of his Predeceſſors have by Fraud and Violence raviſhed from them; or ſhould ſo far depart from His Princely and Sacred Word, as to fruſtrate the Expectations of His Leiges of having thoſe Grievances redreſſed, which His Parliament have condeſcended upon as neceſſary to be remedied.

But as His Majeſties delaying to gratify the deſires of His People, is not the effect of Choice and Inclination, but the reſult of a Force put upon him through the ſiniſtrous Repreſentations given him of their Demands, both as illegal, and as incroachments upon the Royal Authority: So we do not wonder that the ſame Perſon ſhould miſreport the Actions of a Parliament, and inſinuate into his Maſter unjuſt and falſe gloſſes of their Votes, who hath had both the Impudence and Treachery to endeavour to Poſſeſs the King with Diſloyal Characters of his moſt dutiful, beſt and uſeful Subjects. And ſeeing his Capacity both as a Lawyer, and His Majeſties Advocate, hath not ſerved to inſtruct him of the danger, nor to reſtrain him from Leaſing-making (which is Treaſon by the Law of *Scotland*) it is to be hop'd that the Perſons whom he hath criminally ſtandered, will have the courage to Impeach him; and that the Parliament will have the Juſtice to condemn him to the Puniſhment that the Law adjudgeth him unto. Nor can it be matter of Aſtoniſhment to any, to find a Perſon impoſing upon His Majeſty in reference to the Laws, Rights, and Cuſtoms of His Country, who has had the Impudence as well as Malice, to brand thoſe for Republicans, by whoſe Power, Zeal, and Intereſt, the Crown came to be conferr'd upon the preſent King. But they muſt be Perſons of a very ſhort Proſpect, who do not perceive, that they who are endeavouring to reſtore King *James*, account it expedient to blaſt thoſe in his preſent Majeſties Eſteem, under the reproachful name of Republicans, who have the Loyalty and Courage to venture their whole for his Crown and Dignity, and to withſtand thoſe ill Men in what they are about. And I will venture to ſay it freely, that as it is not Names, but Things which wiſe Men ſeek and purſue: So there is no more required to the freeing both *Scotland* and *England*

land from the Common-wealths Men, and from all Republican Principles, but that His Majesty persevere to preserving unto his People their Rights and Liberties; Esteem Parliaments as well his great Council in Arduous Affairs, as the Suppliers of him in his Necessities with Mony; and that he make the known Laws the Measure and Standard of his Government. While on the contrary it is in the Power of ill Ministers (if His Majesty hearken unto them) to withdraw nine parts of ten of the People in six Months from their Love of Monarchy, and to force them upon wishing for a Common-Wealth. And had it not been for the view which the Nations under the last Reign had of their Royal Highnesses the Prince and Princesse of *Orange*, and the assurance they entertained of enjoying their Laws and Priviledges, under their Government and Authority, the Methods which the late King took, and the Counsels he followed, would instead of the Translation of the Crown to Their present Majesties, have put an end to the Monarchy. Nor can any thing so affright considering Persons from addictedness to Monarchy, as the leaving the Nations under the Power, Conduct and Authority, of those very Men, by whose Counsels and Management the late King came to forefault His Crown; seeing some will be so peremptory as to imagine, that it cannot be upon personal liking that they come to be used, but because the nature of the Government requires them, or at least Persons of their Principle, and Political Complexions.

But forasmuch as the present Embarrass of His Majesty with his Parliament of *Scotland* is wholly caused by the Advocate's abusing His Majesty in the Account he hath given him, both of the Rights and Jurisdictions of the Estates in Parliament Assembled, and of the Laws and Customs of the Kingdom; I shall therefore in Order to the disparaging of him, with all the Wise and Loyal part of Mankind, and the debarring him the King's Ear, and attracting upon him the Royal Indignation; Publish the Principle upon which he builds all the Advices he communicateth to his Master, and with which he seeks to poyson and corrupt His Royal Mind. And this is, That the King hath a separate Interest from his People, which he ought

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to purſue in diſtinction from theirs: And this we may be ſure he doth not fail of inſinuating, either immediately unto his Majeſty, or at leaſt to thoſe about him; ſeeing he had the Folly, as well as the Impudence, both to aſſert and to ſeek to juſtify it in open and full Parliament. Now whoſoever gives himſelf the trouble of examining the tendency of this Principle, will find the natural Conſequences of it to be, That the Prince and People muſt not only Live in a conſtant jealouſy and dread of one another; but muſt always be imbark'd in an inteſtine War. Nor is it to be avoided, unleſs either by the King's arriving at the height of Tyranny, and the Peoples ſinking into the Abyſs of Slavery, or by the Subjects graſping the whole Power and Authority, and leaving unto the King an empty Name. Yea, it is a deſtroying of the very end for which Government was ordained of God, and ſubmitted unto by Men; ſeeing that was nothing elſe, but that the whole Society, comprehending Ruler and Ruled, might have but one Common Political Intereſt; for the Defence and Security whereof each of them were to have their reſpective Duties allotted unto them: "Nay, the very Prerogative "acknowledged to belong unto the King, is nothing ſave "a Power truſted with him, in Relation to ſome Caſes "that may emerge, by which he may be the better ena-"bled to preſerve the ſafety of the Community, and to "provide for the benefit of the Publick. Nor could Sir *J—— D——le* take a more effectual Courſe to ſupplant the King in the Hearts of his People, and to poſſeſs them with a Horror of, and an Alienation from his Government, than by his Proclaiming within the Parliament Walls, That the King hath a ſeparate Intereſt from that of his People, and by Conſequence that he is to promote and maintain it, with the Neglect if not the Ruine of theirs; neither is there any thing more propable than that the Advocate vented it in Treachery to his Majeſty, whom out of a Love to the late King, and a Deſire to have him reſtored, he ſeeks to undermine and betray. For he hath hereby ſo alarm'd the People in reference to His Majeſties Government, and fill'd them with thoſe diſmal Apprehenſions of what they are to expect, in caſe the King have a ſeparate Intereſt from Theirs, that it

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will be difficult either to allay their Fears of, or to recover them to an intire Trust in his Majesties Justice and Goodness, without removing that Man both from about his Majesties Person, and out of his Councils, who hath given them that frightful Idea of his ensuing Reign.

However from this of the Advocate, as well as from innumerable Observations to be made from the present Behaviour and Conduct of those who are received into his Majesties Councils and Service; after they had not only ministered to King *James* through the whole Course of his Reign, but co-operated with him in most, if not all the Methods of his Tyranny; we may rationally venture at this Reflection, (to wit) That they are either endeavouring to justify the former Reign, by seeking to expose and disgrace this, Or that they are studying to cover themselves from what they are obnoxious unto, for their Crimes under the last Government, by reacting and repeating the same under the Connivance and Indulgence of the present.

And as by the First, they evidently shake his Majesties Throne; so by the Second, they not only abuse the Mercy of the Government, but despise its Justice: By the Last, they render the Government Vile and Cheap; and by the former they pursue its Subversion: It must with all lay a great Prejudice upon the Opinion of those that dissuade his Majesty from gratifying his People in these Demands, about which so much noise has been made here, as well as there, that they were judged necessary for his Interest as well as the Kingdoms Safety, by, in a manner, the Unanimous Vote of the whole Parliament; and of which it may be modestly said, that it is not only one of the wisest, but constituted of the most considerable Persons for Quality, Estate, and Esteem in their Country, that ever *Scotland* had: For even the Vote about the Lords of the Session, which is most censured and stumbled at, pass'd the whole House without any more dissenting Voices than barely four; and of those Sir *J. D*——*pe*, who was the leading Man amongst them, sensibly biassed by the Consideration, that, if the Vote obtained, his Father would have been excluded from the Honourable, and to him Beneficial Place of President, to which he is now advanced. Is it not more likely that these few should

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act without regard to the King and Kingdom's Interest, and depart from the Laws, Rights and Customs of the Realm, than that the whole Body of the Parliament should be unacquainted with what the Constitution, as well as the common Safety of Prince and People, authorize them to claim? And that they should exceed the measures of Law, Justice, and Equity, in what they demand? Nor was the Parliament under the Influence of such Motives for encroaching upon the King's Prerogative, as these Gentlemen were, for betraying both the Jurisdiction of Parliament, and the Priviledges of the Nation. For having sacrificed all the Laws and Rights of the Kingdom, under the late Reign, to the Lust and Will of one Arbitrary and Despotical Monarch; they could do no less, both by the Rules of Policy and Uniformity, than endeavour to vest his present Majesty in the Robberies of former Princes; there being no such way for Thieves to escape at the Bar, as to prevail with the Judg to receive and harbour their stolen Goods. And for the King to rely upon being informed by Sir *J. D——ple*, what is the Prerogative of the Crown? and what are Rights and Jurisdictions of Parliament? is as if King *James*'s Attorney-General were to be made the Oracle of the Court, in reference to what Crimes and Offences Peers and Gentlemen were to be condemned and executed for; and for what Failures and Miscarriages Cities and Corporations were to forefault their Charters, and to be deprived of their Franchises. Could the Parliament have been guilty of so Impudent, as well as Criminal a Thing, as to incroach upon the just Prerogatives of the Crown, and to rob his Majesty of his legal Rights, it would have been more for their Profit and Interest to have effectuated it in relation to the disposal of Offices of State, and of Military Commands, than to claim meerly a right of interposing; and that only in the Case of a total Vacancy of the Session, about the approving of Persons nominated by His Majesty to judicial Places. For whereas the former would look like the putting themselves into a condition of giving check to their Prince, whenever a *Capritio* should take them, and they should fancy themselves agrieved; all that can be aimed at, or possibly compassed by the latter, is to have Justice equally administred according to the known Laws, which is no less his Majesties Interest than his Duty, to make wise and careful Provision for.

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In a word, it would ſeem to command as well as to beſpeak belief that a whole Parliament, who in all other Proceedings, have acted with the higheſt Prudence, Temperance and Juſtice; and where there are ſo many Perſons of Vertue, Honour, Probity, and Knowledg of the Laws and Cuſtoms of the Nation, ſhould be more regardful of voting juſtly, and challenging nothing but their legal Rights, than that only *four* Men ſhould be found inſiſting upon what is Right; and they, ſuch as moſt of them, have been Tools and Inſtruments in the Breaches made upon the Rights and Liberties of the Nation.

And as the whole Blame is to be intirely lodged upon a few Miniſters about his Majeſty, both as to the delay that hath been given to redreſs any of the Scots Grievances, and as to the diſputing of the Equity and Juſtice of actually relieving them from ſome; ſo beſides the Confidence that all Good Men are poſſeſſed with, from the Conſideration of his Majeſty's Wiſdom and Goodneſs, that all will be at laſt accommodated to the King's Honour, and the Peoples univerſal Satisfaction; the Conceſſions his Majeſty hath lately granted, with reference to the Articles, even againſt the Opinion of his Miniſters, is as an Earneſt and Pledg what his People may exſpect in reference to the reſt, if it can be made appear, that what is further inſiſted upon, and humbly deſired of him, is the relieving of his Subjects, and not the robbing of himſelf; the being kind to his People, and not unjuſt to the Crown; and the exerciſing Mercy to all, without being cruel and unrighteous to any. So that we are become obliged, in point of Duty to his Majeſty, before whom our Demands and Claims lie, and from the Reſpect we owe to the Engliſh Nation, among whom theſe Matters are both publickly diſcourſed, and differently repreſented and cenſured: And finally, by the Juſtice we account due to the Parliament of *Scotland*, whoſe Moderation is not only queſtioned by reaſon of their Demands, but alſo their Loyalty: I ſay, we are become obliged, by all theſe Motives and Inducements, to enter into a detail of the ſeveral Particulars in Controverſy, between ſome of his Majeſty's Miniſters, and the Parliament of *Scotland*; and not only to ſtate with what diſtinctneſs we are able, the ſeveral *heads* ſubjected to debate, but to give all that ſupport & enforcement from Reaſon,

Reaſon, Law and Cuſtom, to the Expediency, as well as Equity of them, that we judg to be requiſite; and that we can diſpatch in the narrow room which we have confined our ſelves unto.

In purſuance of which undertaking, We will begin with the Vote to which the Royal Aſſent is not given; that referreth to the diſabling and precluding Perſons from publick Truſts and Imployments. And this we the rather do, both becauſe we can diſcharge our Hands the ſooneſt of it, and becauſe it is the moſt cenſured by ſome of the *Engliſh*, from an apprehenſion that what of this Nature paſſeth into an Act at *Edinburgh*, may be drawn into Preſident at *Weſtminſter*. But that every one may judge of it, and what ſhall be offered in the Vindication of the Neceſſity and Juſtice thereof, I ſhall preſent the Reader with a Tranſcript of the Vote: *The King and Queens Majeſties conſidering that the Eſtates of this Kingdom, have by their Vote, declared their Senſe and Opinion, That ſuch as have in the former Evil Government been grievous to the Nation, or have ſhewed Diſaffection to the happy Change, by the Bleſſing of God now brought about, or have been Retarders and Obſtructers of the good Deſigns of the ſaid Eſtates in their Meeting, are not fit to be imploy'd in the Management of the Affairs of this Kingdom; Do with Advice and Conſent of the Eſtates of Parliament now Aſſembled, Statute and Ordain, That no Perſon of whatſomever Rank or Degree, who in the former Evil Government have been grievous to the Nation, by Acting in the Incroachments, mentioned in the Articles of the Claim of Right, which are declared to be contrary to Law, or who have ſhewed Diſaffection to the happy Change, by the Bleſſing of God now brought about, by acting in Oppoſition thereunto, ſince the time that the King and Queen now Reigning were Proclaimed, or who hath been a Retarder or Obſtructer of the good Deſigns of the ſaid Eſtates*; viz. *The ſecuring the Proteſtant Religion, the ſetling the Crown, the eſtabliſhing the Rights of the Leiges, and the redreſſing their Grievances, by Acting contrary to theſe good Deſigns, ſince the time that they*

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became publick by Votes, and Acts of the Meeting, be allowed to poſſeſs, or be admitted into any Publick Truſt, Place, or Imployment, under Their Majeſties in this Kingdom.

I ſuppoſe the Reader by this time ſurprized at the unreaſonableneſs of the Age we live in, that there ſhould be Men found ſo void of Senſe and Underſtanding, as to ſpy out any thing here, that deſerves to be clamour'd againſt, or which is worthy to be complain'd of: Every Line breathes of that Lenity and Moderation, that it favours rather of a defect of Juſtice, than of any exceſs of it; and the utmoſt hereby deſigned, is only a diſabling a few wicked Men from ruining us for the future, and not a puniſhing of them for what they have done; for as there are none excepted as to Life, ſo the few deſigned to be debarred from Offices, are deſcribed and charactered after ſuch a manner, that the very employing them will Diſhonour His Majeſty, and Diſgrace his Government. There is no abridging His Majeſties Mercy, only an endeavour to maintain the Juſtice of his Undertaking in coming to Deliver us. For having charged the late King's Evil Counſellors, and them only, with the Crimes upon which he grounded both the Righteouſneſs and the Neceſſity of his Expedition: Whoſoever is ſo villanous as to adviſe him to uſe them, can deſign no leſs than deriving an Aſperſion upon his Wiſdom, Juſtice and Sincerity. And if the Nations be not delivered from thoſe againſt whom he declared, how ſhall we be able to anſwer his Enemies, who accuſe his coming hither, to have been upon another Motive? For what his Friends affirm to have been beſtowed upon him as the Reward only of his Expedition, and of the Deliverance he wrought out for us; his Adverſaries will be encouraged both to believe and ſay, was the Principal, if not ſole end of it: Nor is it meerly needful in order to the Vindication of His Majeſties glorious Undertaking in coming into *Brittain*, That they who were the Inſtruments of our Slavery and Oppreſſion under the former Government, ſhould be precluded from all ſhare of

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the Administration under this; but it is also necessary for the reconciling the Love and Obedience of the People to His Majesties Person and Authority. Courtiers may fancy, that if one be able, he is qualified, without other Ingredients, to be a Minister of State: But the most part of Mankind do always look for some degrees of Honesty in those advanced into the chief Offices in the Government. Nor will People easily believe, that they who betrayed their Laws, Rights and Priviledges, under one Reign, will ever Administer Justice equally, or defend them in their Properties under another. Men may have present ease, but they will be always in fear whilst they remain in the hands of their old Oppressors. It is impossible to keep up in the minds of the Vulgar, honourable Thoughts of King *William*'s Government, if he will chuse to work with King *James*'s Tools. Whosoever Counsels His Majesty to employ those that were the Instruments of the former Tyranny, must intend to bring him under a Suspicion, both of approving that, and of designing the like. No man envieth his Majesties pardoning the worst of his and the Kingdoms Enemies; but we cannot avoid pitying him, and bewailing our selves, that he is perswaded to use them; yea the Royal forgiveness ought to confine it self to limits; and much more should a Prince set Bounds to himself in the Honours and Preferments which he is pleased to bestow. Now having mentioned his Majesties Grace, I'll venture to say, That after all the Mercy he hath exercised towards his own and his Peoples Enemies, there is not one either Converted to his Interest by it, or that reckons himself obliged to him for it. But instead of attributing their impunity to His Majesties Grace, they ascribe it to the Pusillanimity of the Government; and in the room of being brought over to serve him, they are emboldened to go on in their Conspiracies against His Person and Dignity. Nor will they ever account themselves indebted to his Mercy, till he hath made some of them the Objects of his Justice. But to return to what I am upon; should not such an easy Animad-

verſion be inflicted upon thoſe who have oppreſſed us, as the being ſhut out from Truſts and Imploys in the Government, We ſhould both tempt them and others to repeat the ſame Crimes upon the firſt opportunity that is offer'd unto them. Yea, if inſtead of falling under ſuch a gentle Mortification, they ſhould be preferred to the chief places of Honour and Profit in the Kingdom, Villainy will be committed in order to Merit; and Men of brutal and Profligate Principles, will ſeek to exceed in Unjuſtice and Treachery, that they may be thought to excel in Deſert. And though through the Moderation, Goodneſs, Wiſdom and Juſtice of Their Majeſties, we may eſcape the Conſequences of ſuch a Method during Their Reign, (which I pray God may be long) yet Poſterity will loſe moſt of the benefit of this Revolution, for want of adjudging thoſe to puniſhment, that have been Traytors to Societies, and Cannibals to Mankind in this Age, whereby to deter others from being ſuch in the next. The Counſel given to Princes by the Supream Sovereign by whom they Reign, is, That they ſhould puniſh exorbitant Offenders, to inſtruct others to fear and forbear doing wickedly: But the Advice thruſt upon His Majeſty by ſome ill Men about him, is, That he ſhould cheriſh and advance them without regard to the effects that may attend it. What a ſtrange *Idea* will it give the World of our Government, if the rewards of Vertue be made the recompences of Crimes? And how ſhall we lift up our Faces to God or Men, if the Malefactors under the laſt Reign, not only eſcape under this without Chaſtiſements, but inherit the Preferments and Emoluments of it. If what I have ſaid be not ſufficient to juſtifie both the expediency and equity of the forementioned Vote, I hope the Experience the King hath had of that ſort of People, ſince he received them into his particular Favour, and Principal Service, will reconcile him unto a better Opinion of it, and ſhew him the neceſſity of turning thoſe out of Office whom his Parliament would have prevented his taking in. Both the Nations are ſenſible

ſible of His Majeſties being betray'd, both in his Councils, and in his Affairs; and it is very eaſy to gueſs by whom it is done. For none ſo likely to undermine his Throne, as they who endeavoured to hinder and obſtruct his Aſcending to it: Nor can any Man be Traytors to this King, but they who were the Inſtruments of the laſt King's Tyranny. The Cobler's Auls and Ends are unſuitable Furniture in the Painter's Shop. Neither will they ever ſerve this King with faithfulneſs in his vindicating the Kingdoms into Liberty, who were the Sworn Vaſſals to his Predeceſſors Deſpotical Will, and his Tools for oppreſſing and enſlaving the Nations. Beſides the damage they have brought upon the Nations, and the Treaſure they have unprofitably waſted, They have been the Occaſion of loſing His Majeſty more Honour in one Year, than all his Foreign Campaigns ever did ſince he firſt Commanded Armies, and preſided in Councils; and ſhould he be prevailed upon by the Adulation and Artifice of any about him to truſt the Conduct and Management of his Affairs in the ſame Hands for one other Year, it may be eaſily foretold, without Conſulting the Stars, that we ſhall not be in a Condition on the third to ſave either him or our ſelves. And as we have no diſtinct Intereſt from His Majeſties, ſo all we deſire is, That he would vigorouſly Eſpouſe and Aſſert his own, upon which we ſhall both believe and Proclaim our ſelves happy. For the Vipers durſt not hiſs but for the warmth they receive through being lodg'd in his Boſom. But to conclude this head; I am extreamly miſtaken, if they who have occaſioned and promoted the Quarrelling at the forementioned Vote, do not find that they have conſulted worſe for themſelves, than was deſigned or intended by thoſe who they account for their Enemies For this Parliament will undoubtedly at their next Aſſembling, be ſo far from departing from what they have Voted, that inſtead of acquieſcing there, and being contented with the having the betrayers of their Laws, the Oppreſſors and Murderers of the Leiges, and the Obſtructors of the King and Kingdoms Eſtabliſhment,

only

only debarr'd and excluded from Places of Preferments, Profit and Truſt in the Government; that they will be juſtly provoked, and ſee it to be indiſpenſibly neceſſary to Impeach and Proceed capitally againſt ſome of them. Their deſpiſing as well as refuſing of Lenity, will derive upon them the ſeverities their Crimes at firſt deſerved, but which that Prudent, Temperate, and Indulgent Senate, were willing to have mitigated by exchange of them into milder. And as we are fully aſſured, that ſo wiſe and good a Prince as His Majeſty, can never entertain either mean or diſtruſtful thoughts of a Parliament, that hath given him ſo many and eminent Teſtimonies of their Loyalty; much leſs be prevailed upon to Diſſolve them, while the Nation is in ſo Diſtreſſed and Unſetled a Condition; an Armed Enemy in its Bowels, and the ferment every where ſo high, that nothing can allay it, but their being continued, and being allowed to meet at the appointed day to which they are Adjourned; ſo we are no leſs aſſured, that they who are ſaid to be the Zealots in this Parliament, and to have the chief Conduct of, and the prevailing ſway in all Buſineſs and Affairs that come before it, can neither miſs being choſen into, nor have leſs Intereſt and Eſteem in another. So long as Perſons of Fortune, Quality, and Intereſt, continue to aſſert the Laws and Rights of their Countrey, and to purſue the joint Intereſt of the King and Kingdom; the Obloquies caſt upon them by ſuch as dread and diſlike their Courage and Integrity, will only increaſe their Reputation, and Oblige all thoſe Senators and Members of Parliament, that are honeſt, to put the more value upon them. But to Superſede all fear of this Parliaments being Diſſolved, without both Aſſembling, and Diſpatching buſineſs, the King by a Law, to which the Royal Aſſent was given the laſt Seſſion, abridged himſelf of all Power in that Matter. For in the Act that paſt the firſt of *July*, whereby Prelacy and the Superiority of any Office in the Church above Presbyters, is aboliſhed, it is declared, *That the King and Queen's Majeſties, with the Advice*

vice and Consent of the Estates of this Parliament, will settle by Law, that Church-Government in the Kingdom, which is most agreeable to the Inclinations of the People. So that whosoever shall have the Impudence to advise His Majesty to Dissolve this Parliament, before there be by Law some Government erected in the Church, Doth both tempt him to violate his Faith, and to trample upon one Express Statute, to which himself hath given the Royal Assent.

The next contested Vote that we are to Address our selves unto, and whereof we are to demonstrate the Legality, Reasonableness, and Necessity, is that which relates unto the Privilege of the Estates of Parliament, in nominating and appointing Committees, of which I do here subjoin an Authentick Copy. *Forasmuch as the meeting of the Estates of this Kingdom, did by their Vote of the Eleventh of* April *last, represent among other Grievances, That the Committee of Parliament called the Articles, is a great Grievance to the Nation, and that there ought to be no Committees of Parliament, but such as are freely Chosen by the Estates, to prepare Motions and Overtures that are first Tabled in the House: Therefore Their Majesties with the Advice and Consent of the Estates of Parliament, do Enact and Declare, That it is the undoubted Privilege of the Three Estates of Parliament, to Nominate and Appoint Committees of Parliament of what Number of Members they please, being equal of every Estate, and Chosen by the respective Estates; viz. the Noblemen by the Estate of the Noblemen, the Barons by the Estate of the Barons; and the Burroughs by the Estate of the Burroughs, for preparing Motions and Overtures that are first made in the House, or that the House may Treat, Vote, and Conclude upon matters brought in plain Parliament, without remitting them to any Committee, if they think fit: Or that the House may appoint Plurality of Committees for any Motions or Overtures that need to be prepared or digested for them: Declaring hereby, That no Officers of State are to be Members, except they be Chosen. And hereby rescinds the first Act of the Third Session of the first Parliament of King* Charles *the Second, and all other Laws and*

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Customs, establishing the manner of Election, and Power of any Committees of Parliament, in so far as they are not conform to this Act. So sensible was the Meeting of the Estates, that the Committee of Articles was according to late Custom, Regulation, and Practice, an intolerable Grievance to the Kingdom, and a high Incroachment upon the Liberty and Jurisdiction of Parliament; that before the disposal of the Crown to Their present Majesties, they made their being relieved from it, one of the Stipulations, and an Article of Contract, upon which Their Majesties had the Crown conferred upon them, and upon which the People agreed to yield them Obedience and Subjection. For among several things which they covenanted as well as provided, for the redressing of, when in the Name both of themselves, and of the whole People of *Scotland*, whom they represented, they yielded up, and conveyed over the Crown of that Kingdom to *William* and *Mary*: This was the first Grievance that they mentioned, and made it a matter of Bargain and Compact, as well as of Petition and Desire to be eased from it. The words that were proposed and read to Their Majesties in the Banqueting-House, upon that Solemn Occasion of presenting Them with the Instrument of Government, are as followeth. *The Estates of the Kingdom of* Scotland *do represent, That the Committee of Parliament, called the Articles, is a great Grievance to the Nation, and that there ought to be no Committees of Parliament, but such as are freely chosen by the Estates to prepare Motions and Overtures that are first made in the House.* What ill Men must they now be, that durst advise a Prince of that Honour, Veracity, and inviolable Faith, as His Majesty is universally known and acknowledged to be, to delay or clog the satisfying of His People in the foregoing particular: Seeing the meer procrastinating and adjourning the giving them contentment in it, hath a visible and natural tendency, if possible, to the weakning their Faith and Confidence both in his Truth and Goodness. It would appear, that some have a mind to make their Master seem faithless,

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to juſtify their being truly ſuch themſelves: Or elſe they have a deſign to vindicate King *James*'s breach of all Stipulations and Promiſes, by perſuading King *William* to do the ſame. Or, which is extreme likely, they would by His preſent Majeſty's departure from that ſeeming Compact, upon which he received the Crown, reflect folly and injuſtice upon the Parliaments Depoſing the Late King, for his violating the Original Contract.

But that we may diſcourſe intelligibly of that Committee called the Articles, it will be needful to give ſome brief account both of what it originally was, and what by degrees it grew up, or rather degenerated into, till it became at laſt an inſupportable Grievance to the Nation, and rendred Parliaments either wholly uſeleſs, or mere Inſtruments for purſuing and executing the King's Will. Now by what appeareth either from our Hiſtory, Records or Statute-Books, there was no ſuch thing anciently as a Committee, or Lords of Articles, but every thing was as well originally moved as debated and concluded in full Parliament. For the firſt mention we meet with in our Records, of Lords of the Articles, is in the Year 1466. Under the Reign of King *James* the Third: Where we find, that upon the Convention of the Eſtates of Parliament, they not only choſe ſo many from among themſelves, to be Judges in Civil and Criminal Cauſes, who are ſtyled *Domini ad querelas*, there being then no Judicial Court, ſave what the Parliament conſtituted from time to time out of their own Body: But that they alſo elected three Perſons for the Clergy, three for the Barons, and three for the Burgeſſes, to conſider of, and prepare matters fit and needful for the Houſe to bring into debate, and to come to Votes and Reſolutions about. By which it ſeems that this Committee of the Articles had no auſpicious beginning, having its riſe under one of the worſt of all our Kings, and who came to the moſt unhappy and unfortunate end: However there appears no ſuch thing here, as that the Officers of State were to be ſupernumerary to thoſe choſen by the Parliament; or that the King, either

by himſelf, or by one repreſenting him, choſe any of them; but it is evident from the Record, that they were wholly and entirely elected by the States themſelves in Parliament aſſembled. And though the being an Officer of State, was never eſteemed a ground diſabling and incapacitating a Perſon from being a Member of the Committee of Articles; yet upon a peruſal of the Records, I do not find that any Officers of State made a part of the Lords of the Articles, until the year 1567. and their being then of that number was not *ratione Officii*, but by reaſon of the Parliament's having elected them into that Station. For whoſoever conſults the Records of Parliament of the years, 1467. 1475. 1524. 1526. 1528. 1537. 1542. 1543. will find that the Officers of State were ſo far from being ſupernumerary in the Committees of the Articles, that they were not ſo much as elected into that Truſt, nor had any room or place allowed them there; though it appears by the Records of all thoſe Parliaments, that there were Members choſen by, and out of the reſpective Eſtates, ſometimes in larger, and ſometimes in leſſer numbers to make up and conſtitute ſuch Committees. Yea, I cannot but add, That our not meeting with any mention of the Lords of Articles of the Parliaments Aſſembled, and held 1469. 1471. 1474. 1481. 1483. 1488. 1489. 1491. 1493. 1505. 1515. 1522. 1535. 1540. 1546. 1551. is an undoubted Evidence, that the having Committees of the Articles was not a thing of indiſpenſible neceſſity, or to which Parliaments were legally obliged; but that it was a matter of Arbitrary Pleaſure, and that they were choſen or omitted, as the Houſe thought to be moſt uſeful and convenient for the management and diſpatch of their Affairs. And though it cannot be denied, but that after the year 1567. ſome of the Officers of State were now and then thought worthy by reaſon of their moral and intellectual abilities, to be choſen among others for Lords of the Articles, as in the Parliaments held in the years 1581. and 1593. yet it is moſt evident, that they were not elected into that Committee by virtue and reaſon of their Offices, much leſs ſat there as ſupernu-

pernumerary to those chosen by the Estates; forasmuch as in other Parliaments, particularly in those held in the years 1587. 1592. and 1594. there is no intelligence, report or remembrance of them, in the Registers and Lists of those of whom the forementioned Committees were made up and constituted. And that which puts it beyond all possibility of being controuled (save either by ignorant, or by impudent and self-condemned Men) that no Officers of State had right anciently to be of the Committee of Articles, unless previously chosen by the Estates of Parliament, is the 37. Act of Parl. 11. of *James* the Sixth: Where Provision being made by Law about the number whereof that Committee should be constituted; It is, without the least mention or suggestion of those Officers of State, enacted and ordained, *that the number of the Lords of Articles be equal in each Estate, and that the fewest number of every Estate be Six, and the greatest number Ten.* Yea so far were those, styled Lords of Articles, from having originally the sole power of preparing matters, and of bringing in Motions and Overtures, to be considered and debated in Parliament, exclusive of other Members of the House, who were not of that Committee; that both at first, and for a long tract of time afterwards, they were not so much as a Committee of Articles of, and to that Parliament by which they were chosen, and of which they were Sitting and actual Members; but were only so in reference to the next Parliament that should succeed; against whose meeting they were to prepare such things as they should judge to be most fit and expedient to be then taken into consideration; but still with a right as well as with a liberty reserved to that future Parliament, not only to receive or reject what should be thus maturated and offered unto them; but to admit whatsoever Overtures they pleased, that should be made unto any of the Members of their own House. It was the Ancient Custom and Practice of *Scotland*, that the Sitting Parliament antecedently to its Dissolution and Separating, elected so many from among themselves, who were in the interval betwixt that and the next Parliament, to make inquiry into

the neceſſities of the Lieges, and into the State of the Kingdom; and accordingly to draw up and prepare ſuch Overtures, as ſhould carry that relief and remedy in them, which might give a redreſs unto Grievances, be a means of preſerving the Nation in ſafety, and of promoting the proſperity of the Subjects. Now from this harmleſs beginning of the Committee of Articles, it hath, through the Uſurpation of our Kings, eſpecially after their Succeſſion to the Crown of *England*, and the remove of their Royal Abode thither, and through the officiouſneſs of publick Miniſters to the Prince, and treachery to their Countrey, grown up at laſt to that exorbitancy, that it is not only become burthenſome, but intolerable. For by reaſon of the Parliaments coming at laſt to commit the inſpection into all Affairs, and preparing all remedies unto Grievances, into a few hands, and thoſe to be unchangeable during a whole Seſſion; Our Late Monarchs obtained ſuch a handle whereby they might incroach upon the Juriſdiction of Parliaments, and the Liberties of the People, that they ſoon improv'd it to the eluding of all the good that the Kingdom was to expect from Parliaments, and to the making thoſe who were deſigned to be the means of our ſafety, become the Inſtruments of our Ruin. For the accompliſhment whereof, and the more effectual rendring the Lords of Articles, Vaſſals unto the Monarch's Will, and Tools for executing his Pleaſure, they firſt prevailed to have the Officers of State admitted into that Committee as Supernumeraries, and that, without being Nominated and Elected by the Eſtates in Parliament, they ſhould have a right to ſit there *Ratione Officii*, by vertue of the Imployments they held in the Government. For King *James* the Sixth, being by the adulation of the *Engliſh* Biſhops, brought intirely over to their Intereſt, as well as to their Opinions, about Church Diſcipline and Worſhip, and having a mind in requital to the Church of *Scotland*, for all the kindneſs they had expreſſed to him, both in his Infancy and riper years, to obtrude upon them the *Engliſh* Ceremonies, he did in order to the more eaſie effectuating

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of it, flatter, cajole, and bribe, as well as huff, and awe the Parliament Anno 1621. to allow the Officers of State to Sit as Supernumeraries, without being choſen in the Committee of Articles. And thus he forced thoſe Innovations, commonly known by the Name of the Five Articles of *Perth*, upon the poor Church of *Scotland*, having by thoſe Supernumerary Officers, not only ſo moulded the Committee of Articles, as to paſs and preſent them, but thereby laid the Foundation of their being ordained and enacted in the Houſe. And to make the Lords of Articles yet more grievous and intollerable. King *Charles* the Firſt, (whoſe invaſions upon the Rights and Liberties of his People, proved Fatal both to him and them) overthrew the Ancient Method of their Elections, and brought the choice of them into ſuch a Channel, as could iſſue in no leſs than Tyranny in the Soveraign, and Slavery in the Subjects. For whereas by Law and Cuſtom, the Lords were to chooſe the Lords, and the Barons to chooſe the Barons, *&c.* *Charles* the Firſt did in his Parliament held *Anno* 1633. when he was in the heigth of his Greatneſs, change and innovate this Method, and having diveſted the whole reſpective Eſtates, of chooſing ſeverally their reſpective Commiſſioners, he aſſumed a Power to himſelf, with a right of conſigning it over to his Commiſſioner in Parliament, for chuſing Eight Biſhops, conſigning to the ſaid Elght Biſhops, a Power of chuſing Eight Noblemen, and reſtraining to the ſaid Eight Noblemen, together with the aforeſaid Eight Biſhops, a Power of chooſing Eight Barons, and Eight Burgeſſes; and that theſe in conjunction with the Officers of State as Supernumeraries, ſhould be the whole and ſole Lords of Articles, excluſive of all others. Finally, to render that Committee yet more inſupportable, the ſole Right as well as Liberty of bringing in Motions, of making overtures for redreſſing Wrongs; and of propoſing means and expedients, either for the relief or the ſafety and benefit of the Subject, is intirely reſtrained unto, and lodged wholly in this Committee: Neither is it by our late Practice lawful for any Member or Members, that are not of that packt Club

Club and Society, to make the leaſt propoſal or motion, either for the repealing of an ill Law, or for the enacting of a good. So that I would now hope, that the meer repreſenting of this Committee of Articles, as it is now tranſformed and degenerated from what it formerly was, is enough to juſtify the Vote of the preſent Parliament, about the having that grievance redreſſed, and to vindicate them from the Obloquie they have lain under, for inſiſting upon having Parliaments looſened from thoſe Fetters. For where is the Liberty of Speech, and Voting, eſſential to a Legiſlative Body, if Parliaments muſt be thus muzled? How is a Kingdom eluded out of all the good that they expect from any Parliament, if their Repreſentatives may neither lay open their Sores, nor offer Plaiſters in order to their Cure? How miſerably would things have proceeded in the late Meeting of Eſtates, if nothing was to have been before them, but what a Committee, where Eight *Scotch* Biſhops were to have the Electing of Eight Noblemen, and they together the chuſing of the reſt, with King *James*'s Officers of State Supernumerary, that ſhould have prepared Overtures for that Great and Illuſtrious Aſſembly? I dare ſay, That the being bound up to ſuch a Method, would have more effectually ſecured the Throne to King *James*, than all the Swords of his Partizans. Nor can Parliaments be deſigned for any thing, under ſuch a Conſtitution of a conſtant Committee, with the Officers of State Supernumerary, but to enlarge the Prerogative of the Crown, and to levy Money from the People. But Bleſſed be God, His Majeſty wants not Inclination to deliver his People from this, and from all other Grievances, but only wants Perſons about him, to ſet them in that Light that he may diſcern them. Therefore we complain not of His Majeſty for the delaying the Satisfaction that his People waited for; but we complain of thoſe ill Men, who told him, That to part with the Lords of the Articles, was to throw away the brighteſt Jewel of his Crown. Whereas it appears from what hath been ſaid, that there is nothing deſired, whereby His Majeſty's Legal

gal Prerogative can be diminiſhed and leſſened, but that all which is humbly craved, is the redeeming his Parliament and People from an ignominious and burthenſom Yoke; and their being reliev'd from the Invaſion and Uſurpations made upon their Laws and Cuſtoms, by the Craft and Violence of ſome of their Monarchs. Nay, the very contending for the continuing the Officers of State as Supernumerary in their Committees, without the being Elected unto them by the Eſtates in Parliament, is both an Aſperſion upon the Wiſdom of the Parliament, as if they knew not how to pay the reſpect and deference due to thoſe Officers, till compell'd unto it; and a Reflection upon their Loyalty, as if no Perſons could be tender or regardful of His Majeſties Intereſt among the Committees of Parliament, unleſs received into the King's immediate Service, and brought under the Influence of Honours and Emoluments. But whoſoever ſuggeſts this unto the King, muſt be one that is accuſtomed to draw other Mens Pictures by his own Original; and who by acting in all things himſelf as a Mercenary, ſtrives to repreſent the reſt of Mankind, as equally Baſe and Villanous. Nor can that Advice inſinuated into His Majeſty, of having the Officers of State Supernumerary in the Committees of Parliament, be ſupported by any reaſon, but what borders upon Treaſon; which is the King's having and being obliged to purſue a ſeparate intereſt from that of his People; and as nothing would more Univerſally loſe His Majeſty the Hearts of his People, than the being wrought into a belief of it; ſo whatſoever is likely to tempt them into ſuch a perſuaſion, is at all times, but eſpecially at this, to be induſtriouſly avoided by the King.

The only thing remaining, wherein His Majeſty's Parliament of *Scotland* ſeems to be miſunderſtood by him, is their Vote concerning the Nomination of the ordinary Lords of the Seſſion, and the Election of the Preſident. For that which they propoſe, both as required by, and agreeable unto their Laws, and as neceſſary in order to the equal Adminiſtration of Juſtice, is, That the

the ordinary Lords being in a total Vacation nominated by the King, they are to be Tryed, and Admitted or Rejected by Parliament; and that in a particular Vacation, being likewise nominated by the King, they are to be Tryed and Admitted or Rejected by the other Lords of Session; and that in both cases the President be chosen by the Lords of Session themselves. Now this being the great Matter wherein His Parliament is represented unto him, as endeavouring to encroach upon, and subvert His Royal Prerogative; and it being the particular, in reference unto which he hath been prevailed upon to exert an Authority to that height and degree, that there seems no room left for any expedient, but that either the Parliament must depart from their Vote, or that His Majesty would be pleas'd to part with those, who through abusing his Goodness, have misled him into an exercise of Royal Power which the Laws cannot justifie. It will be absolutely needful, that the Reader, in order to his being inabled to form a Right and impartial Judgment of this perplexed and intangled Affair, should be first made acquainted with the Vote it self, as well as afterwards be informed of what is to be said in the Vindication of it. The Words therefore of the Vote are as followeth; *The King and Queen's Majesties considering, That by the Laws of the Kingdom, when the place of an Ordinary Lord of the Session doth Vacate, it is to be supplied by the King's Nomination of a fit and qualified Person for the said Office, and presenting him to the rest of the Lords to be tryed, and admitted or rejected by them: And that there is now a total Vacancy of the Lords of the Session, by the happy change through the Blessing of God now brought about, so that there can be no such Tryal by the Lords; and that when such total Vacancies have fallen out, the Lords were either nominated by King and Parliament jointly; or if they were nominated by the King, the nomination was approved, and the Lords so nominated, were admitted by the Parliament; Therefore Their Majesties do Declare, That they will nominate fit and qualified Persons to the said Offices, and present them to the Parliament to be tried and admitted or rejected by them: Likeas Their Majesties with the*

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advice and consent of the Estates in Parliament, Statute and Ordain, that in all time hereafter, when any such total Vacancy shall occur, the nomination of the Lords of the Session shall be by the King or Queen for the time being; and in case of their minority, by their Regent, they nominating fit and qualified Persons to the said Offices, and presenting them to the Parliament to be tryed, and admitted or rejected in manner aforesaid. Like as Their Majesties with the advice and consent aforesaid, ratify and approve the 93d Act of the Sixth Parliament of King James *the Sixth, anent the admission of the Ordinary Lords of Session, and Reformation of certain Abuses therein: And the 132d Act of the Twelfth Parliament of King* James *the Sixth anent the Jurisdiction, Presentation, Qualities and Age of the Lords of the Session, in the whole Heads, Clauses and Articles thereof, and particularly the Clause contained in the said two Acts, Declaring that in all times thereafter, when any place should be vacant in the Session, that His Majesty should nominate and present thereunto a Man fearing God, of good Literature, Practick Judgment and Understanding in the Laws, of good Fame, having sufficient Living of his own, worth Twenty Chalders of Victual of yearly Rent, and who can make good expedition and dispatch in matters touching the Lieges of the Realm; and likewise that Clause contained in the 93d Act of the Sixth Parliament of King* James *the Sixth, Declaring that the President of the College of Justice shall be elected by the whole Senate thereof, being a Man of the Conditions and Qualities above-written, for chusing and electing of whom the King's Majesty and Estates dispence with that first part of the Institution of the College of Justice anent the Election of the President, Declaring that in case of the absence of the Chancellor and President for the time, it shall be lawful for the Lords to chuse and elect any one of their own number, whom they think qualified and worthiest, who shall be called Vice-President for using of the said Office, ay and while the Return of the said Chancellor and President. Like as Their Majesties, with advice and consent aforesaid, Statute and Ordain, that the whole Qualifications abovementioned, be duly observed in the admission of the Lords of the Session, in all time coming, and that as well in the case of a total, as of a single Vacancy.* This being the Vote so declaimed against, and in contempt whereof, and in opposi-

tion whereunto, some Persons having surreptitiously and fraudulently obtained Warrant, Countenance and Authority from the King, are so vent'rous as to dare to Act. We shall, both with all the Loyalty and Modesty that becomes a Subject, and an honest Man, and yet with that freedom and plainness, which one who hath no other design, save to serve God, his King, and his Country, with uprightness and integrity should value himself upon, endeavour to vindicate the Wisdom, as well as the Justice of the Parliament in the forementioned Vote. In the performing whereof, with all that exactness which brevity will allow, I shall begin with an account of the first Administration of Civil Justice in the Kingdom of *Scotland* that we meet with in our Records. For the College of Justice consisting of those called the Lords of the Session, not having been instituted till the Reign of King *James* the Fifth, *Anno* 1537. The Administration of Justice was before that time, not only ambulatory and itinerant, but was discharged and executed by such Members of Parliament as the Estates of the Kingdom, in their several Sessions elected from among themselves, and authorized thereunto. Nor had they only their whole Authority from the Estates in Parliament, but to speak properly, they were Committees of Parliament Authorized to such a Work and Office, and accountable to Parliament, for the discharge of the Trusts committed unto them; for the *Domini electi ad causas*, whom we so often meet with in the Records of Parliament, particularly in those of the Years 1524. 1526. 1528. were such Members as every respective Parliament elected from within their own Walls, for the Administration of Justice between the King and his Lieges, and between one Subject and another. From whence it appears, that it not only appertained unto the Parliament to see that Justice was duly administred, but that the Right was originally in them of nominating and ordaining the Administrators of it. Which makes it very improbable, that after their having been possessed of such a Right, Authority and Jurisdiction for so long time, they should so wholly part from, and intirely surrender it as upon no Occasion or Emergency whatsoever to leave unto themselves a share, or reserve a concern in it. Let us add to this, That when

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the College of Justice came to be instituted, *Anno* 1537. Parl. 5 King *James* the 5th Act 36. though it was Established and Ordained by the Legislative Authority of the King and Estates jointly, and not by an exertion of meer Royal Prerogative, yet the Estates in Parliament then Assembled, both took upon them, and were allowed the Nomination and Choice of the President, as well as of all that were then called forth and advanced to be Lords of the Session, or College of Justice, as appears by the 39. and 41. Acts of the aforementioned Parliament. Yea it is further evident from the Records of Parliament, that the Estates of the Kingdom did often in succeeding Parliaments Nominate, Choose and Impower, those very Lords that were actually of the Session, to continue in the Administration of Justice, which sheweth beyond all rational contradiction, that they could much less enter upon the Office at first, without their being Chosen and Approved by the Estates in Parliament. Thus *Anno* 1542. being the first of *Mary*, we find the President with the rest of the Lords of Session Chosen and Impowered a new, as *Auditores ad causas*, for the hearing and deciding Civil and Criminal Causes. And again we find the Parliament of the Second of *Mary*, *Anno* 1543. not only ratifying by the Legislative Authority of the Queen and Estates, the institution of the College of Justice, but we find the Estates alone nominating and choosing *ad causas*, the President *cum cæteris Dominis Sessionis & Collegii Justitiæ*. But forasmuch as there was a change given afterwards by Laws to this Course and Method, and a new Regulation ordained by subsequent Statutes of the College of Justice, wherein both the qualifications of those that are to be Chosen Lords of the Session, and the manner of their Approbation are required and appointed: We are therefore obliged in the next place to look into those Laws, and to examine whether they derract from the Prudence, and weaken the Justice of the Parliament, in their fore-mentioned Vote; or whether they not only Countenance and Suppport, but Justifie and Vindicate them. And We'll begin with the 93 Act 6 Parliament *James* 6. where it being acknowledged, That the Nomina-

tion of the Lords of the Session belongeth unto the King, and that he ought to name such as have the Qualifications there required, which are already specified in the aforesaid Vote; It is further added; *That in all time coming, when an ordinary Place becomes vacant in the Session, the Person nominated thereunto by the King, shall be sufficiently tryed and examined, by a sufficient number of the Ordinary Lords of the College of Justice, for whom it shall be Lawful to refuse the Person presented unto them, and that the King in that Case shall present another, and that so often until the Person presented be found qualified.* But seeing this Act may be said to have passed in the minority of King *James*, and the force of it be thereupon endeavoured to be eluded, We will therefore consult Act 134. Parl. 12. *James* 6. wherein, besides a Repetition and a Confirmation of all that is mentioned and ordained in the former Act, there is further added, *That none shall be received to any Place of Senator in the College of Justice, unless he be sufficiently tryed by the whole College of Justice.* Now as those are the Laws relating unto, and regulating the Nomination, Examination and Approbation of the Ordinary Lords of the College of Justice, the Practice hath been in all Times conformable thereunto. So that the First Parliament of King *Charles* the Second, which through the prevailing of the like Folly and Madness in *Scotland*, which then reigned in *England*, rob'd the Kingdom of many of its Rights and Privileges, to increase and inlarge the Prerogative of the Crown; yet they were so tender of making any Innovations in this particular, that by their Second Act of that Parliament they Ordain, *The Nomination of the Lords of Session to remain as in former Times, preceding the Year* 1637. And accordingly we find, as there have been several, who upon single Vacancies in Former Reigns had been rejected by the Lords of the College of Justice, though nominated by our Kings: So there was one Sir *William Bullanden*, whom *Charles* the Second had nominated and recommended, who upon examination by the rest of the Lords was refused and rejected, as a Person not Qualified according to the Statutes of the Realm. Is it not therefore unreasonable to be

imagined, That the King, who upon a ſingle Vacancy cannot conſtitute one Judg, till he be examined and approved, ſhould nevertheleſs be eſteemed impowered to conſtitute the whole Bench of the College of Juſtice, without a previous Examination and Approbation? How improvident were our Parliaments, and how weak and ridiculous are our Laws, if all that is provided for, be only the reſtraining the King from making one Judg that is unqualified, and at the ſame time to allow him a Power and Authority of making Fifteen that are unqualified, for ſuch they are to be eſteemed, till they have been tried and approved? There can be nothing more unqueſtionable, than that they who are nominated by the King to be Judges, ought, according to the Laws of *Scotland*, to be tried and approved before they be accounted or authorized to ſit and act; and therefore, there being upon a total Vacancy, no Lords of the College of Juſtice to try, examine and approve thoſe whom the King hath nominated and recommended, it would ſeem to be uncontroulable by all Perſons pretending to reaſon, and acquainted with our Laws and Cuſtoms, That the Right of examining, and of admitting or rejecting them, comes to be devolved upon the Parliament; which is the whole that is deſired in the forementioned Vote. Nor is there any mean, but that they either muſt aſcend the Bench without undergoing a Tryal, or receiving an Approbation, which is openly to Affront the Laws; or elſe the Power and Right of approving, and of accepting, or rejecting, muſt be acknowledged to reſide in the Eſtates of Parliament. Nor was this ever denied them in the Caſe of a total Vacancy under the worſt of the foregoing Reigns. Which makes it the more doleful as well as Amazing, that through the Subornation and Craſty, but falſe inſinuations of Evil Men, there ſhould be an endeavour of wreſting it from them under the Reign of ſo Gracious and Temperate a Prince, whom they with ſo much Affection and Zeal called and invited to the Throne; not only in gratitude for his having delivered them from Popery, but out of a hope and proſpect of his relieving them from all their other Grievances. It hath been already

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proved beyond the possibility of a Reply, That the first Institution of the College of Justice, and the Nomination as well as Approbation of those that were then advanced to be Lords of Session, was by the Estates Assembled in Parliament. And I do now further affirm, That in the two total Vacancies, which are all that have since occurred, besides this that hath now fallen out upon the late happy Revolution, the Estates in Parliament were indisputably allowed the Right of admitting, or rejecting those of whom the College of Justice was to be freshly Constituted; for upon the total Vacancy in the year 1641, which was the first that had been from the Institution of the Lords of the Session, the Parliament not only Challenged the Approving, but they took upon them the joynt Nomination with the King, of all the Persons that were to be admitted into, and created Members of the College of Justice. But this Example and President, I will not insist upon, seeing there was something unjust and illegal in it, as well as something just and legal. For not being satisfied with the Right of admitting, to which Law and Reason gave them an unquestionable Title, they usurped upon the Crown, and took upon them the Power of nominating, which had been granted by former Laws unto the King. Let us therefore see what was done upon that other total Vacancy, which occurred at the Restauration of *Charles* II. when nothing would have been departed from by the King, that he could have withheld without the highest Injustice; nor any thing either claimed or accepted by the Parliament that they could have sacrificed or surrendred without becoming obnoxious to eminent dangers; and yet even then the King having nominated those whom he designed for the Lords of Session, the Approbation of them was submitted unto the Parliament; and the Estates having in full Parliament consider'd them, they admitted and received them. It is true that the Parliament did not bring them single before them, and there Try and Examine them, not because they might not have done it, but because there was no need of it, being all of them

them of that Eminency, as to be Universally and Notoriously known to have all the Qualifications required by the Statutes. Yea though that Parliament was abundantly officious towards the Crown, and Loyal to that excess to the King, as to be Disloyal to their Countrey, and unfaithful to their Constituents; Yet in the Second Act of their first Session, by which they restore to the King what had been wrested from him in the Parliament 1641, they allow him no more in reference to the Lords of the College of Justice, but the right of nomination as the Crown had enjoyed it, preceeding the Year 1637. But I hear there are some, who finding His Majesty unalterably resolved not to depart from the known and just Laws of the Land in the Governing of his People, have therefore, to elude the force of what hath been here Represented, and to divert His Majesty from hearkning to the humble desires of his Parliament in this matter, been guilty of the Treachery as well as the Impudence to suggest unto His Majesty, That there is not now a total Vacancy, there being of the fifteen nominate by His Majesty for Lords of the Session, three that were antecedently such; and that it belongeth unto them Three to try and approve the others; and that what the Parliament pretends unto, being only in the Case of a total Vacancy, is here wholly Superceded; and that for any to insist upon it, is an incroachment upon the Prerogative of the King, and a robbing of the Lords of Session, of a Privilege vested in them by Law. Now tho all that is here insinuated, be rather the Offering an Affront to our Understandings, than the Accosting us with a reasonable Objection; yet we will so far condescend to the weakness of those that are ignorant of the Laws and Customs of *Scotland*, as to return such a Reply unto it, which may not only convince all Mankind of the impertinency of it, but expose those that are the Authors of it, to be either loathed as ill men, or ridiculed as silly. For First, Supposing that *S*——, *N*——, and *M*——, who are all that can be referred unto in the pretended Objection, did still remain Lords of the College of Justice, by Reason of their having formerly been so: Yet they are too few to constitute a Session, which they ought to be, before they take

take upon them to Try and Approve such as are recommended unto them by the Kings nomination. The *Quorum* of which a Session ought to consist, before it can Exercise any Legal Authority, should be Nine, which I think no Arithmetick will make Three to be. Nor will my Lord *S*———, and his Son Sir *J. D*———, find that Success in their Attempts against the first and self-evident Principles of natural Sciences, and of the Mathematicks, that they have had in Undermining and Subverting the Laws of their Countrey. Secondly, for any Person named by the King in order to the being received as a Lord of the Session to be examined and approved by Three, tho granted to be Actual and Sitting Lords of the College of Justice, is expresly repugnant to an Act of the Session it self, confirmed by the King's Letter, *An.* 1674. It being provided by that Act, That when any new Lords of Session shall be presented by His Majesty for Tryal of their Qualifications, that they shall be present one day in the Outer-House, where they are to inspect a Process that shall be carried to *interloquitor*, and from thence make Report of all the Points therein contained, to the whole Lords of Session; and then for compleating their Tryal, shall sit another day in the Inner-House, and after the bringing the dispute of some point of Law to a Period, shall give their Opinion about it in presence of all those Lords of which that House doth then consist. Now as this Order and Rule is appointed to be observed constantly in all time coming, about the Tryal of Lords nominate by the King, and to be admitted, and hath been accordingly observed and practised ever since, till the present Vacancy; so it is evident to all who have not renounced common sense, that the Regulation, Order, and Method of Tryal, prescribed by the foregoing Act, is altogether impracticable, where the Lords that are to be the Tryers, and Examinants, are to be three. But then thirdly, It is the most absurd thing imaginable to fancy, That because Three of the Lords now nominated by the King, were heretofore Lords of Session, that therefore there hath not been a total Vacancy upon this late and happy Revolution. I am sure that in the parallel Case, *Anno* 1661. the Parliament in the Preface unto the Statute, by which

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they admitted those to be Lords of the Session whom the King had then named, they call it a new and intire nomination, which they neither could nor would have done, if they had not judged the Vacancy to be total, and yet three of the Lords then nominated by *Charles* the Second, *viz.* *H*——— *C*—— and *L*——had been Lords of Session, and had sate in the College of Justice before that nomination. Fourthly, If *S*—— *N*——— and *M*——'s having been once Lords of Session be enough to hinder the late Vacation of the Session from being total; then I challenge all the World to tell me what can either make a single, or a total Vacancy; yea, if those Gentlemens Places were not voided after what had befallen them, and the placing others for several years in their room, I do much question whether their death can make their Places Vacant, and whether they may not be as well said to remain Lords of the Session, when they are rotting in their Graves, as to have continued so in the State they were, before His Majesties late nomination of them. For as they all had their Commissions during pleasure, so *S*——'s and *N*——'s were recalled and reassumed by King *Charles*, of whom they had received them. And I take it for an undoubted Maxim, that he who hath Power and Authority to give, and giveth not during life, may by the same Authority take away at Pleasure, what he hath given. And as for *M*——— who had his Commission from King *James*, if his Place be not rendered Vacant by his Masters having forefaulted the Crown, nothing will or can render it so.

Fifthly, If these Gentlemens having been heretofore Lords of the College of Justice, hindreth the late Vacancy from being accounted total; then His Majesties nominating them afresh, was not only superfluous in it self, but an injury unto them. For it was the bringing them to hold that by a new Title, which they had a claim unto, and ought to have been accounted possessed of by an ancient Right. Nor are they obliged for their Places to His Majesties Grace and Bounty, but to his Justice. Sixthly, The

very form of the prefentation by which their nomination is ſignified, ſhews that the Vacancy was taken to be total. For it being the conſtant Cuſtom in all ſingle vacancies, that the name of the Perſon ſucceeded unto, as well as his who is to ſucceed, be equally expreſſed in the Preſentation, and there being no ſuch form, but the contrary obſerved in theſe Gentlemens Caſe, it is an Argument that His Majeſty took the Vacancy to be total, whatſoever his Preſident, Secretary and Advocate do. Seventhly, In all Caſes where the Vacancy is not Univerſal, the Preſentation of thoſe named by the King, is directed to the College of Juſtice, or the Actual Lords of Seſſion, and ſo our Laws ordain and provide it ſhould be. But the Preſentation of thoſe now named to be received and advanced unto the Adminiſtration of Juſtice, or at leaſt of moſt of them, was directed to the Earl of C—— who never was a Lord of the Seſſion, nor yet is: Which is an Evidence, that the holding the late Vacancy not to have been total, was not an Opinion they were led into by truth, but by neceſſity, and that they have only eſpouſed it to juſtifie what hath been illegally done. It is yet further alledged by theſe cunning Men, that have firſt endeavoured to miſlead His Majeſty, and now ſeek by what pretences they may beſt defend that which they have done; That though, by the Ancient Laws, the King was only truſted with the nomination of the Lords of the Seſſion, and the tryal and approbation of them was lodged elſewhere; Yet that by Act, 11. Parl. 1. *Charles* the Second, the ſole choice and appointment of the Lords of the College of Juſtice is given unto and ſetled upon the King. But ſurely they who make the exception muſt be Men either of very weak underſtandings, or of very bad conſciences, and they muſt think they have to do with a very credulous ſort of People, whom they may bubble into the belief of any thing, though never ſo falſe and unreaſonable, otherwiſe they would never talk at ſo ridiculous and impertinent a Rate. For, Firſt, there is nothing granted unto the Crown by that Act, but what

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was its ancient and undoubted right: instead of setling any new Prerogative upon the King, the Parliament does only there declare what was anciently the Inherent Privilege of the Crown, and an undoubted part of the Royal Prerogative of the Kings of that Kingdom: Which I am sure that the trying, approving, and accepting or rejecting those nominated for Lords of Session never was, that having been by so many preceding Acts of Parliament, which we have mentioned, setled and vested in other hands. Secondly, Whatsoever can be supposed to be granted unto the Crown by Act 11. Parl. 1. *Charles* the Second, it doth as much affect a single Vacancy as a total; the words being, *That it is an inherent Privilege of the Crown, and an undoubted part of the Royal Prerogative of the Kings of* Scotland *to have the sole choice of the Lords of Session.* Which can import no more, save that they have the sole nomination of them, but not the tryal of their qualifications, seeing all along since, both in that Reign, and in the next that ensued, the examination and acceptance, or refusal of those that were recommended by the two last Kings upon emergent Vacancies to be Lords of the College of Justice, were always certified to the Actual and Sitting Lords of Session, to be by them tryed, and admitted or rejected as they should see cause. Thirdly, What the Gentlemen who make this Exception would give the Crown with one hand, they take away with the other. For while they would Preclude the Parliament from taking notice of the qualifications of those, who upon a total vacancy are nominated by the King, under a pretence that the sole choice of the Lords of Session, is by the forementioned Statute Declared to be an Inherent Priviledge of the Crown: They at the same time seek to skreen and vindicate themselves from the Violation of the other Laws that prescribe the method of trying and approving those who are nominated now by His Majesty for Lords of the College of Justice, by alledging, that *S*—— *N*—— and *M*———— are both in a capacity through having been formerly Judges, and are

commissionated to try and approve them. Fourthly, All that some apprehend to be contained in the 11 Act Parl. 1. *Charles* the Second, is wholly Narratory, and no part of it Statutory, at least so far as our concernment lies in it, and as we are therein referred unto other Acts for the knowledge of what is Statuted and Ordained: So upon our application unto, and consulting of Act 2. Parl. 1. *Charles* 2. all we find there enacted is, *That it is an inherent Privilege of the Crown, and an undoubted part of the Royal Prerogative of the King, to have the sole Choice and Appointment of the Officers of State and Privy Counsellors, but that he hath only the Nomination of the Lords of Session, as in former times preceding the year* 1637. and what that was we have already shewed, and do find it to be so far from interfering with, or derogating from what the Parliament doth now insist upon and demand, that it both warrants and justifieth it. I may fifthly subjoyn, That upon supposition that the Act 11. Par. 1. *Charles* the Second were Statutory, which it no ways is; yet there is a later Act pass'd in the said first Parliament of King *Charles* the Second, though unprinted, yet upon Record in our Registers of Parliament, and which was purposely made for the Regulation of the College of Justice, and about the admission of the Lords of Session, as the very title and rubrick bears; wherein all that we find Enacted, is, That the King, instead of having the sole choice of the Lords of Session, shall only have the Nomination of them, as the Crown stood possessed of it in times before the year 1637. and that their admission in all times to come shall be according to the Laws and Acts which were in being before the year which we have already mentioned. So that fancy what they will beyond this, granted unto the King by Act 11. yet it is all withdrawn, and reassumed from him by this later Act of *April* the 5*th*.

All that now remains to be further added on this Subject, so far as concerns the controversial part, is to inquire whether the King hath at all times the sole Power and Right of chusing and appointing the President of the

the Seſſion? And we preſume with all humility to ſay, that by the Laws of the Kingdom, and according to ancient Practice and Cuſtom, he hath it not, nor can he legally lay claim unto it, ſeeing by Act 93. Parl. 6. *James* 6. *Anno* 1579. *It is Statuted and Ordained, That the Preſident of the College of Juſtice ſhall be always choſen by the whole Senators of the ſaid College.* Which Statute is confirmed by Act 134. Parl. 12. *James* 6. wherein it is expreſly declared, *That the King with advice of the Eſtates, doth ratifie and approve all the Acts made either by his Majeſties Predeceſſors, or by his Highneſs himſelf before, upon the Inſtitution of the College of Juſtice, and the Reformation of the abuſes thereof.* Nor can it be denyed, but the appointing that the Preſident ſhould be choſen by the whole Senators, was deſigned as the Reformation of an Abuſe in the College of Juſtice, which either had not been provided againſt, and obviated in the firſt Inſtitution of the Seſſion, or which had crept in afterwards. And as this was the Law about the Election of the Preſident, ſo the Practice was always conformable thereunto, until that my Lord *S*— came to be conſtituted Preſident by King *Charles* the Second, and was illegally obtruded upon the Lords of Seſſion, without the being either choſen or approved by them. For from the time of the making the Act until then, there was not one that had ever ſate Preſident, but who had been choſen by the Lords of the College of Juſtice, except Sir *John G*——, who upon being nominated and recommended by the King in the Caſe of the total Vacancy *Anno* 1661. was approved and confirmed by the Eſtates in Parliament. But for the Lord *P*——, the Lord *U*——, the Lord *C*———, Sir *Robert S*———, and the Lord *D*—, who were all that had been Preſidents from 1579. until 1661. they were every one of them choſen and admitted by the Lords of Seſſion. Nor is it unworthy of Remark, that the Lords of Seſſion, upon every Election they made of a Preſident, declared that they did it in conformity unto, and in purſuance of the Act of Parliament. And as

King,

King *Charles*'s departing from the Law in this particular, was one of the first steps towards Arbitrary Power, so it was both in order to farther Incroachments upon our Laws and Rights, and prepared the way for most of the Tyranny that he exercised afterwards. And as *S*—— assuming the Office of President, upon the illegal choice of the aforementioned King, was both an Affronting, and Betraying of the known Laws of the Kingdom; so his whole Behaviour in that Station was of one piece and complexion with his entring upon it, being a continued Series of Oppression and Treachery to his Country. For besides that all his Verdicts between Subject and Subject, were more ambiguous than the Delphick Oracles, and the occation of the Commencement of innumerable Suits in place of the determining of any; he was the principal Minister of all *L*——'s Arbitrariness, and of King *Charles*'s Usurpations. Nor was there a Rapine or Murder committed in the Kingdom under the countenance of Royal Authority, but what he was either the Author of, the Assister in, or ready to justifie. And from his having been a Military Commander, for asserting and vindicating the Laws, Rights, and Liberties of the Kingdom against the little pretended Invasions of *Charles* I. he came to overthrow and trample upon them all in the quality of a Civil Officer under *Charles* II. Nor is there a Man in the whole Kingdom of *Scotland*, who hath been more accessary to the Robberies and Spoils, and who is more stained and died with the Bloody Measures of the Times, than this Lord *S*——, who his Majesty hath been impos'd upon to constitute again President of the College of Justice. And as an aggravation of his Crimes, he hath perpetrated them under the vail of Religion, and by forms of Law; which is the bringing the Holy and Righteous God to be an Authorizer and Approver of his Villanies, and the making the Shield of our Protection to be the Sword of our Ruin. But there being some hopes that the World will be speedily furnished with the

the Hiſtory of his Life, I ſhall ſay no more of him, but ſhall leave him unto the expectation and dread of what the famous Mr. *Robert D*—— foretold would befal them him in his Perſon and Family, and of which having taſted the firſt Fruits in ſo many aſtoniſhing Inſtances, he may the more aſſuredly reckon upon the full Harveſt of it. And the Method he hath lately begun to ſteer is the moſt likely way imaginable to haſten upon him and his, what that Holy, and, I might ſay, Prophetical Man denounced againſt them. For whereas the Nation would have been willing upon his meer withdrawing from Buſineſs, and not provoking their Juſtice by crouding into the Place in which he had ſo heinouſly offended, to have left him to ſtand or fall at the great Tribunal, and to have indempnify'd him as to Life, Honour and Fortune here, upon the conſideration of his having co-operated in the late Revolution, and of his having attended upon his Majeſty in his coming over to reſcue and deliver the Kingdoms from Popery and Slavery: He ſeems reſolved to haſten his own Fate, and through putting himſelf by new Crimes out of the Capacity of Mercy, to force the Eſtates of the Kingdom to a puniſhing of him, both for them and for the old. But to return to what we are upon, about the Right of Electing a Preſident of the Colledge of Juſtice: It is excepted, to what hath been ſaid, in proof that the Power is by Law in the Lords of Seſſion to chooſe their own Preſident; that Sir *John G*——, was, upon King *Charles* the Second's nomination, approved and confirmed in Parliament, *Anno* 1661. which was a diveſting of the Lords of Seſſion of it, and a vertual reſcinding all the Laws by which that Power had been ſettled upon them: To which I have ſeveral things to reply, that will diſcover both the Impertinency of the Objection, and the Treachery of thoſe who have inſinuated it to the King.

Firſt, It is acknowledged in the very Exception, that the ſole Choice of Sir *John G*—— as Preſident, was not in.

in King *Charles*, ſeeing the Parliament had the Approving, Allowing and Admitting of him, which makes that caſe to differ very much from the Preſent; in which the chooſing of the Preſident is not only taken away from the Lords of the Seſſion, but the approving and admitting of him is denyed to the Eſtates of the Nation in Parliament aſſembled.

Secondly, What was done in Ordaining Sir *John G*—— Preſident, was not a repealing of the Laws, by which the Chooſing of the Preſident is veſted in the Lords of the Seſſion, but was at moſt only a diſpenſing with them in that extraordinary caſe of a total Vacancy, and in reference unto a Perſon of a moſt unſpotted Integrity, and unparallelled Knowledge in the Laws. Nor will any Man, pretending to acquaintance with Parliamentary Cuſtoms and Proceedings, reckon that a Law is therefore reſcinded and abrogated becauſe the Parliament hath ſeen reaſon to ſuperſede it in a ſingle Inſtance, and in a particular caſe. Laws once Enacted and eſtabliſhed are never accounted to be abrogated, unleſs by particular future Laws formally repealing them, or by poſterior general Statutes inconſiſtent with, and deſtructive of them. Nor do Two or Three particular Inſtances, varying from, and repugnant unto them, bring them ſo much as into diſuſe and deſuetude; but even in order to that, there muſt be immemorial Preſcription againſt them, and that without being diſallowed or complained of in Parliament.

Thirdly, What the Parliament did, *Anno* 1661. in the Caſe of Sir *John G*——, it was not properly done by them in their Legiſlative capacity, but as a part of the Supream Authority of the Kingdom, concurring with the King in an Act and Deed of the *Supremum imperium*, and illimited Power of the Government, which the appointing of Judges for the equal adminiſtration of Juſtice came to be at that ſeaſon and conjuncture, by reaſon of the total Vacancy, and the impoſſibility that thereupon enſued of Chooſing and Ordaining the Lords

of

of Seſſion, whereof the Preſident is always one, in the ordinary Legal and Eſtabliſhed Methods. What the King and the Eſtates of Parliament did in the caſe of that Vacancy of the Colledge of Juſtice, was much of the Nature of, and parallel unto, what the Eſtates alone have done upon the late Vacancy of the Throne; wherein they acted not in the way of a Legiſlative Body, but in the Vertue of that illimited Power which reſided in them, as Repreſentatives of the whole People, and who knew no other Meaſures whereby to act, but what lay moſt in a tendency to the Publick Safety.

Fourthly, The King's having a Right to chooſe the Preſident of the Seſſion, is diſclaimed and ridicul'd by thoſe very Perſons that have adviſed him to challenge it: For my Lord *S*——, in whoſe Favour, and in purſuance of whoſe Advice, his Majeſty hath claimed a Right, and exerted an Authority of appointing a Preſident, hath, by the Method of his entring upon that Office and Station, renounced the Legality of his Majeſty's acting in that particular, and declared that he holds not his Place by vertue of the King's Choice and Deſignation. For after he had prevailed upon the King to elect and ſend him down Preſident of the Seſſion, the firſt thing he did at their Meeting, and that in order to the throwiag the blame upon his Majeſty of all that had been tranſacted before, was to wheedle that over-aw'd and pack'd Bench, to chooſe him for Preſident of the Colledge of Juſtice: which as it ſhews the Diſloyalty and Treachery of the Man, ſo it teſtifieth and publiſheth his Folly. For how could they be in a capacity as Lords of Seſſion to chooſe him for a Preſident, that were not antecedently, legally, tryed and approved themſelves? And who knowing their own unqualifiedneſs, both as to Literature and good Fame, made his Majeſty's having nominated them, an excuſe from their undergoing a Tryal. For though it be both required by the Laws, and was accordingly given out all along here, that they ſhould be tryed; yet Five of

them being conſcious unto themſelves how little they anſwered the Qualifications preſcribed in the Statutes, refuſed to ſubmit to be examin'd, under a Pretence that they would not thereby weaken his Majeſty's Right and Authority in his having elected them. And thus the King's Authority is doubly expoſed, by thoſe who call themſelves the Ordinary Lords of Seſſion, in excuſing themſelves from a Tryal, which was never deſigned they ſhould do, ſeeing *S*——, *M*—— and *N*——, were both appointed, and ſaid to be in a capacity to examine them: And then by him who is ſtiled Preſident, through its being made a Stale for his obtaining the Name, and renounced for the Choice of the Bench, as that which alone muſt give him a Legal Title. Whereas if the King's Choice of him be not according to Law, and ſufficient to juſtifie his entrance upon his Office, Why did he abuſe his Majeſty in telling him that it was? And if it be the King's Right, and a part of his Prerogative, to elect the Preſident, Why hath he ſacrificed his Majeſty's Honour, and given away his Legal Power, in the ſubmitting to hold the Office by any other Tenure? Howſoever we are come to be Gainers by this Carriage of *S*——, how much ſoever the King is a looſer by it. For his ſurendring from the King the Right of chooſing a Preſident, is a Vindication of the Juſtice of the Parliaments Vote and Demand. Beſides, here is an end put to that Pretence which they have been endeavouring to ſham upon the World, *viz.* That *S*— was only reſtored to the Preſidency of which he was violently diſpoſſeſſed, and that he was not choſen unto it as unto a Place whereunto he had not a Right. So that either the Choice made at *Edinburgh* overthrows the Plea uſed at *London*, about his beeing meerly reſtored; or elſe that whereby they do here ſeek to juſtifie his Majeſty's Proceedings in reference to *S*—'s being Preſident, condemns what the *Proteus* hath there betaken himſelf unto, of being elected by thoſe called the Lords of the Colledge of Juſtice. To which I ſhall only add,

That

That as he was never legally Preſident before, ſo he is as little Preſident now. His aſſuming the Office then, when he was not choſen by the Bench, as the Law ordains, made him an Uſurper; and his entring upon the Place again, upon the Choice of thoſe that are not Judges, by reaſon of their not being tryed as the Statutes appoint, leaves him under the ſame Crime and Imputation.

So that having now diſpatched, all that is either Hiſtorical or Argumentative about the ſeveral Heads in difference between the Parliament of *Scotland*, and a few unadviſed or ill deſigning Men about His Majeſty: I ſhall ſhut up this Diſcourſe with ſome Political Reflections upon the whole. Whereof the firſt is, That it is not the having barely a good King that renders a People happy, but much of it muſt ariſe from his having good Miniſters about him. For no Nation had ever a better Prince than we at preſent have, and yet we find there is cauſe of complaint, by reaſon of the Ill Counſellors that poſſeſs his ear. We do not think that he entertains them out of choice, yet that will not give his People eaſe, though it may for a while ſuppreſs their Murmurings. His Majeſties being ſo little acquainted with Men at his firſt coming over, might lay him open to be miſled in the choice of His Officers: But to continue to uſe them after he hath had ſufficient means as well as opportunity of knowing their Characters, will leave an imputation not only upon his Goodneſs, but upon his Wiſdom. For as the People have no other way of judging of the goodneſs of their Prince, but by finding his Officers and chief Miniſters to be ſuch: ſo if theſe be not, they may poſſibly acknowledg *William* to be a good Man, but they will never beleive that the King is ſo. And *Machiavel*'s obſervation, That a wiſe King will always find wiſe Miniſters, is no more than what every Man is perſwaded of upon the firſt Principles of Reaſon, and of common ſenſe. I do acknowledg, that ill Men have ways of thruſting themſelves upon Princes, which they that are vertuous think too unworthy and below them to uſe. For whereas the later are always modeſt, and ſeek no recommendati-

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ons but from their own Merit; the former are importunate, & can both flatter & bribe Favorites to speak well of them. It was a severe Prediction as well as Observation, which the late Prince of *Conde* made upon the News of King *Charles* the Second's Death, and of his Brothers succeeding him, *viz.* That he was like to be well served, through having none about him, but his own Fools, and his Predeceſſors Knaves. How may Wiſe-Men then imagine his Preſent Majeſty is like to be ſerved, who though he hath not the Fools of the laſt Reign about him, yet he hath both the Knaves of that and of the former? Nor is it of any great advantage at leaſt to *Scotland* to be delivered from the Fools of the laſt Government, ſeeing there are weak Men enough beſides thoſe, and ſome of them truſted with the chief conduct of the *Scotch* Affairs. For how elſe could it be, that of all the Publick Orders remitted thither, there hath not been one, which either the meeting of Eſtates, the Parliament, or the Privy-Council have not voted to be illegal? In reference unto which, as we do acquit the King from all blame, ſeeing he cannot be ſuppoſed to be acquainted yet, either with the *Scotch* Laws, or with their Forms, and does only ſign what others pepare for, and offer unto him; ſo we are not willing to aſcribe it ſo much to the Treachery and Malice of his Miniſter, as to his ſimplicity and weakneſs: Who though he may poſſibly be an honeſt Man, and indifferently verſed in common Affairs, yet he hath no great knowledge of the Laws, and is but a Puny in the Politicks, by reaſon of which he comes to rely upon other Mens advice, who inſtead of inſtructing and aſſiſting him to ſerve the King, make him a Tool for promoting ends and deſigns directly oppoſite to His Majeſties Service and Intereſt. But then I ſhould obſerve, Secondly, That one illegal ſtop doth lead to many: Nor is one Arbitrary thing to be ſupported but by another. It hath been hitherto taken for an undoubted Truth, That though the Eſtates Aſſembled in Parliament have not alone a Legiſlative Power, ſo as to enact Laws without the King, yet that they have the

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Supream and Uncontrovertible Power of declaring the Meaning, and Senſe of thoſe Laws that are already Enacted and Eſtabliſhed. So that when the Parliament hath once declared the Senſe and Meaning of any Law, all Courts of Judicature, as well as particular Perſons, are bound to acquieſce in their explanation of that Law. And to diveſt the Parliament of this, is to ſtrip them of one of their chiefeſt Priviledges, and to detract from and diminiſh their Authority, which is Treaſon by the Law of *Scotland*. For it is expreſly declared by *Act* 130. Parl. 8. *James* 6. *That whoſoever in time coming ſhall take upon him, to impung the Dignity and Authority of the three Eſtates, or ſhall ſeek or procure the innovation or diminution of the Power and Authority of the Three Eſtates, or of any of them, ſhall be guilty of Treaſon.* Yet when the Preſent Parliament had declared the ſenſe of the ancient Laws to be, that the King in a total Vacancy could not appoint Judges without their being admitted by Parliament, the advance that had been made againſt our Laws, in His Majeſties aſſuming a Right of Electing and Authorizing them, hath been ſeconded with an impugning, deſpiſing, and ſubverting that Authority of Parliament which we have been ſpeaking of. Nor hath the Invaſion upon Parliamentary Rights and Priviledges terminated here, but there hath been a further aſſault made upon them, both by the Councils aſſuming the Cognizance of that, which was lodged before the Parliament, and by their Actings determining in it contrary to the Vote, and Declaration of the Eſtates, who are the Supream Judicature, and in conjunction with the King, the one Legiſlative body of the Kingdom. For it is an unqueſtioned Maxim, That when a matter is once brought and tabled before the Parliament, ſo as they have laid their hands upon it, it is not afterwards to fall under the Cognizance, or Determination of the Council, or of any inferior Judicature, unleſs remitted expreſly unto them by the Parliament it ſelf. And therefore the Parliament having given a ſtop to the opening of the Signet, and to the ſitting of the Seſſion, till

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the King's further pleasure was made known to them, and until that matter should be brought to such an Accommodation, as was consistent with the preservation of the Laws of the Kingdom, it was a high Invasion upon the Authority and Jurisdiction of the Parliament, for the Council to meddle in it. But this they were aw'd unto by those who had given the King advice to chuse the Lords of Session and President, and who knew no way to justifie one illegality but by another. Yea, our Ministers, in order to make the first Act of Invasion upon the Laws which they had thrust the King upon successful, and to prevent their receiving a baffle upon their first setting out on the road of Arbitrariness, sent menacing Letters to those that were nominated Lords of Session, threatning them with ruin if they did not sit at the time that they were appointed; and had it not been for those Letters, several had forborn to act, as knowing they could not lawfully do it. And as the sending those Letters sheweth that the Ministers here were convinced that they had counselled the King to an illegal Thing, but which was to be supported in the same manner: So these Gentlemen of the long Robe, who contrary to their own Judgment, were influenced to sit, and to transgress known Laws, have declared how Unworthy and Unqualified they are to be received and approved by Parliament, as Lords of the College of Justice. And to Crown all these Miscarriages in Government with one more, his Majesties Ministers being fully sensible, that they whom they call Lords of Session, were neither legally appointed, nor could legally meet and sit, they therefore resolved forcibly to support what they had unjustly begun and done; and accordingly, against the day and time those Gentlemen were to sit, they ordered all the Forces, which were drawn in unusual Numbers about *Edenburgh*, to be in a readiness upon beat of Drum, that what they had Arbitrarily begun, might be Violently maintained. Which as it was an applying, and using of his Majesties Troops, [illegible] differing

Design

Design, than that for which the Parliament had consented to their being raised and paid: So it had been much more for his Majesties Honour, and the Benefit of his Kingdom, that they had been all imploy'd against *Cannon*, who is still making Inroads, and committing Robberies upon several of his Majesties Loyal Subjects; and who by the ill Conduct and treasonable Counsel of some of his Majesties Ministers, seems to have been connived at and forborn, since the last defeat that was given him, for no other reason, but that there may be a stand for other Rebels in due time to go unto. But that which I would observe, Thirdly, and in the last place, is, That his Majesty for his own Honour and Safety, and for the Peace and Welfare of his People, ought to make some Change and Alteration of his Ministers. For it is evident, That they who are imployed as Instruments of Oppression, Rapine and Murder, under an ill Government, can never be of use unto, nor for the reputation of a good. It is evident, That he is betrayed, nor is it so difficult to know by whom, and how. For Things speak, when Men either dare not, or will not. And Advices are not to be judg'd of by the Quality and Profession of the Persons that give them, but by the tendency of the Counsels that are given. For example, They cannot design well unto his Majesty, who tell him, That he must not make haste to conquer his Enemies, until he have first screw'd up his Prerogative; and that he is to improve the dread his People are under of King *James*, for wresting from them what he can, before he attack him. Again, they cannot intend his Majesties Interest, who would have him overlook the Crimes and Treasons that are daily committed against him, seeing the conniving at Rebels can only be to incourage Rebellion. Again, they who advise him to be King only of a Party, and not of the whole People, have a mind he should be King of none. And to counsel him either not to use those in his Service who are both willing to serve him, and would do it with the utmost Fidelity; or to use those whose Carriage speaks them to be

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in the Intereſt of his Enemies, it is to have him betrayed inſtead of being ſerved. Nor can they be for his Continuing upon the Throne, who would have hindred his Aſcent unto it. And whoſoever embarraſſeth him with his Parliaments, and by it retards Succours for the Support of the War, can mean no leſs than that his Majeſty and his Kingdom ſhould become a Prey to King *James*, and to his Brother of *France*. And they who counſel him to go on where his Predeceſſor left off, have a mind to ſee a new Abdication, though they were not for the Old. But what might be ſaid upon this Head, requireth rather an intire Diſcourſe, than to be confined unto a ſhort Remark. And therefore all I ſhall add is, That as his Majeſty muſt be infallibly loſt, without a ſpeedy Change as to ſome of his Miniſters, ſo he needs not to fear them, if they be but once thruſt out of his Councils; ſeeing all the hurt that they are able to do him, is through their being there. And if he will but own himſelf, and aſſert his own Intereſt, he will have enough of thoſe to ſtand by him, who have no Intereſt but what is his.

FINIS

AN

ADDRESS

Sign'd by the greateſt Part of the

MEMBERS of the Parliament

OF

SCOTLAND,

AND

Deliver'd to His MAJESTY at *Hampton-Court*, the 15*th.* day of *October*, 1689.

ADDRESS

OF

SCOTLAND

AND

the 15th day of October, 1850.

TO THE

KING'S

Moſt Excellent Majeſty:

The Humble Repreſentation of the Lords and Commiſſioners of Shires and Burroughs of the Kingdom of Scotland, *Underſubſcribers, and Members of this Current* Parliament, *now Adjourned till the Eighth of* October *next.*

NOthing ſave the great and general Surprize of this long diſtreſſed and at preſent unſettled Kingdom, upon the late Adjournment of Your moſt Loyal Parliament for ſo long a time, and in ſo critical a ſeaſon, with the deep Concern of Your Royal Intereſt therein, could poſſibly have induced us to this ſo neceſſary a Petition. But the viſible Conſternation and Diſcouragement of thouſands of Your good Subjects, delayed in the Relief and Comfort which at this time they aſſuredly expected, with the Advantages that We apprehend Your Majeſties Enemies, both within and without the Kingdom, may think to reap by ſuch an In-

terruption, being our only Motives, We cannot, We dare not be ſilent. And therefore to prevent theſe evil Conſequences, We in the firſt place moſt ſolemnly Proteſt and Declare, in the Preſence of God and Men, Our conſtant and inviolable Fidelity and Adherence to Your Majeſties Royal Title, Right and Intereſt, ſo frankly and chearfully recognoſced by Us in this Current Parliament, wiſhing and praying for nothing more under the Sun than Your long and proſperous Reign, as that wherein the Security of all our Lives and Liberties, and alſo of our Holy Religion, more dear to Us than both, is infallibly included. It was the Perſwaſion we had of the Juſtice, as well as the Neceſſity, of Your Majeſty's Heroic Undertaking for the Delivery of theſe Kingdoms, with the Conviction of the Divine Confirmation that appeared in its Glorious Succeſs, that moved moſt, if not all of Us, to endeavour and concur moſt heartily in the late Meeting of Eſtates, for the Advancement and Eſtabliſhment of Your Majeſty upon the Throne, when ſome diſcovered their Diſaffection, and were too open Retarders and Obſtructers of that good Deſign: And it is from the ſame true Affection and Zeal, that we do now moſt heartily make the above-mentioned Proteſtation, to obviate all the Miſconſtructions Your Enemies may make in this Juncture.

Nor are we leſs aſſured of Your Majeſties moſt ſincere and gracious Intentions, to perform for us to the utmoſt, all that the Eſtates of the Kingdom have either demanded, or repreſented as neceſſary and expedient for ſecuring the Proteſtant Religion, reſtoring their Laws and Liberties, and redreſſing of their Grievances, according to Your Majeſties Declaration for this Kingdom. Neither can it be imagined, that ſo wiſe and juſt a King as Your Majeſty, will ever be perſwaded, that ſo Loyal a Parliament as this, can be induced either to wiſh or deſign any Prejudice to, or Diminution of Your true Intereſt and Prerogative; but ſuch as have ſlaviſhly ſerved and flattered Arbitrary Power and Tyranny, will be always ſtudying for their

their own ſiniſter Ends, to ſtate a ſeparate Intereſt betwixt King and People, a Practice which we are confident Your Majeſty abhors.

But that we may clear our ſelves upon this preſent occaſion to Your Majeſty's full ſatisfaction, and refuting of all Miſrepreſentations we can incur on any hand, we ſhall briefly rehearſe to Your Majeſty, the Votes paſs'd in this preſent Parliament, to which the Royal aſſent is not given, with ſuch ſhort Reflections, as we hope may tend to the better Vindication of all concern'd.

The Firſt Act upon which the Vote of Parliament has paſs'd, is, That declaring the Priviledge of the Eſtates of Parliament *to Nominate and Appoint Committees*, as they ſhall think fit; and excluding therefrom the Officers of State, unleſs they be choſen: And omitting what the Parliament hath already repreſented to Your Majeſty as reaſons of their Vote; it is humbly conceived, that this Act is exactly framed to the extent of that Grievance, which together with the reſt, is deſired in the *Inſtrument of Government*, to be redreſſed unto us in Parliament.

The Second, was an Act *Abrogating* the Act of Parliament 1669, aſſerting *the Kings Supremacy* over all Perſons, and in all Cauſes Eccleſiaſtical; and this Act is ſo exactly conform to the Second Article of the abovementioned Grievances; and the foreſaid Act of Supremacy in it ſelf is ſo dangerous to the Proteſtant Religion, as well as inconſiſtent with the Eſtabliſhment of any Church-Government, that we doubt not Your Majeſty will ever approve all that voted to it.

The Third, is an Act anent *Perſons not to employed in publick Truſts*; and all the Ruins and Diſtreſſes of this Kingdom, have ſo certainly flowed from the Perſons therein noted, eſpecially, ſuch as by their contriving of, and concurring in the Diſpenſing Power, have thereby eminently indangered our Religion, and overturned all the Fences of our Liberties and Properties (which we have good Ground to believe the Parliament would

would have extended but to few Persons) And your Majesty in Your Declaration, hath so justly charged the same upon evil and wicked Counsellors (the only Persons pointed at in this Act) that we are perswaded that You will find it absolutely necessary for attaining all the Ends of Your Majesty's glorious Undertaking for our Relief.

The Fourth, is an Act concerning the *Nomination of the ordinary Lords of Session*, and the *Election of the President*, To wit, that in a total Vacation they be tryed, and admitted or rejected by Parliament, and in a particular Vacation they be tryed and admitted, or rejected by the other Lords: And that the President be chosen by the Lords themselves, conform to our old Practique and expres's Statute. And this Act is so agreeable to Practique Laws and Acts of Parliament, and so necessair for the true and equal Administration of Justice (the great security of all Kingdoms) that Your Majesty will unquestionably approve it.

The Fifth and last is an Act Ordaining the *Presbyterian Ministers yet alive*, who were thrust out since the First of *January* 1661, for not Conforming to Prelacy, and not complying with the Courses of the Time, to be *restored*. And this Act is in it self so just and so consequential from the Claim of Right, and agreeable to Your Majesties Declaration, that less in common Equity could not be done. And here Your Majesty may be pleased to consider, That tho' Prelacy be now by Law abolished, yet these few Ministers, not exceeding Sixty, (tho' restored, as they are not, for want of the Royal Assent to the foresaid Act) would be all the Presbyterian Ministers legally established and provided for in *Scotland*.

It is not unknown to Your Majesty what have been the sad Confusions and Disorders of this distressed Country under Prelacy, and for want of its ancient Presbyterian Government; and now the whole *West*, and many other Parts of *Scotland*, are at present desolate and destitute, having only Ministers

niſters called by the People upon the late Liberty, without any Benefice or Living, or convenient Place to Preach in. It is alſo certain, that there are many Hundreds of forefaulted and fined Perſons who are yet waiting to be reſtored and refounded, according to the Claim of Right, and Your Majeſties Gracious Inſtructions thereanent.

It is true, the laſt Thing propoſed by Your Majeſties Commiſſioner in Parliament, was a Supply of Money for Maintenance of the Forces ſo neceſſary for our preſent Defence; and We ſhould have proven our ſelves ungrateful to Your Majeſty, and falſe to our own Intereſt and Security, if We had abſolutely refuſed it: But there being a ſufficient and certain Fund to maintain all the Forces, and ſupport all other incident Charges of the Government for ſome Months; all that we demanded was, That ſome things viſibly neceſſair for Satisfaction of the Country, and the better enabling and diſpoſing them to pay the ſaid Supply, might be firſt expeded. We are confident that the Vote of Parliament, which was only for a ſhort Delay, will not give Your Majeſty the leaſt ground of Offence.

And now having preſumed to lay theſe Things before Your Majeſty with all humble Submiſſion, purely out of Duty for preventing the evil Conſtructions of Your Majeſties Enemies, and for our own juſt Vindication; We moſt humbly beſeech Your Sacred Majeſty Graciouſly to Conſider what is here repreſented; and in Proſecution of Your Majeſties Acceptance of the Claim of Right, and Your Declaration emitted for this Kingdom, to take ſuch Courſes as You in Your Royal Wiſdom ſhall think fit, for Paſſing the foreſaid Acts of Parliament, and Redreſſing all our other Grievances. And We Your Majeſties moſt humble Petitioners and faithful Subjects, ſhall, as in Duty bound, ever Pray for Your long and proſperous Reign over Us.

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